

John Carter Brown.

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THE HISTORY OF THE
LATE MINORITY. EXHIBIT-
ING THE CONDVCT, PRIN-
CIPLES, AND VIEWS, OF
THAT PARTY, DVURING THE
YEARS 1762, 1763, 1764, and
1765.

THE THIRD IMPRESSION.

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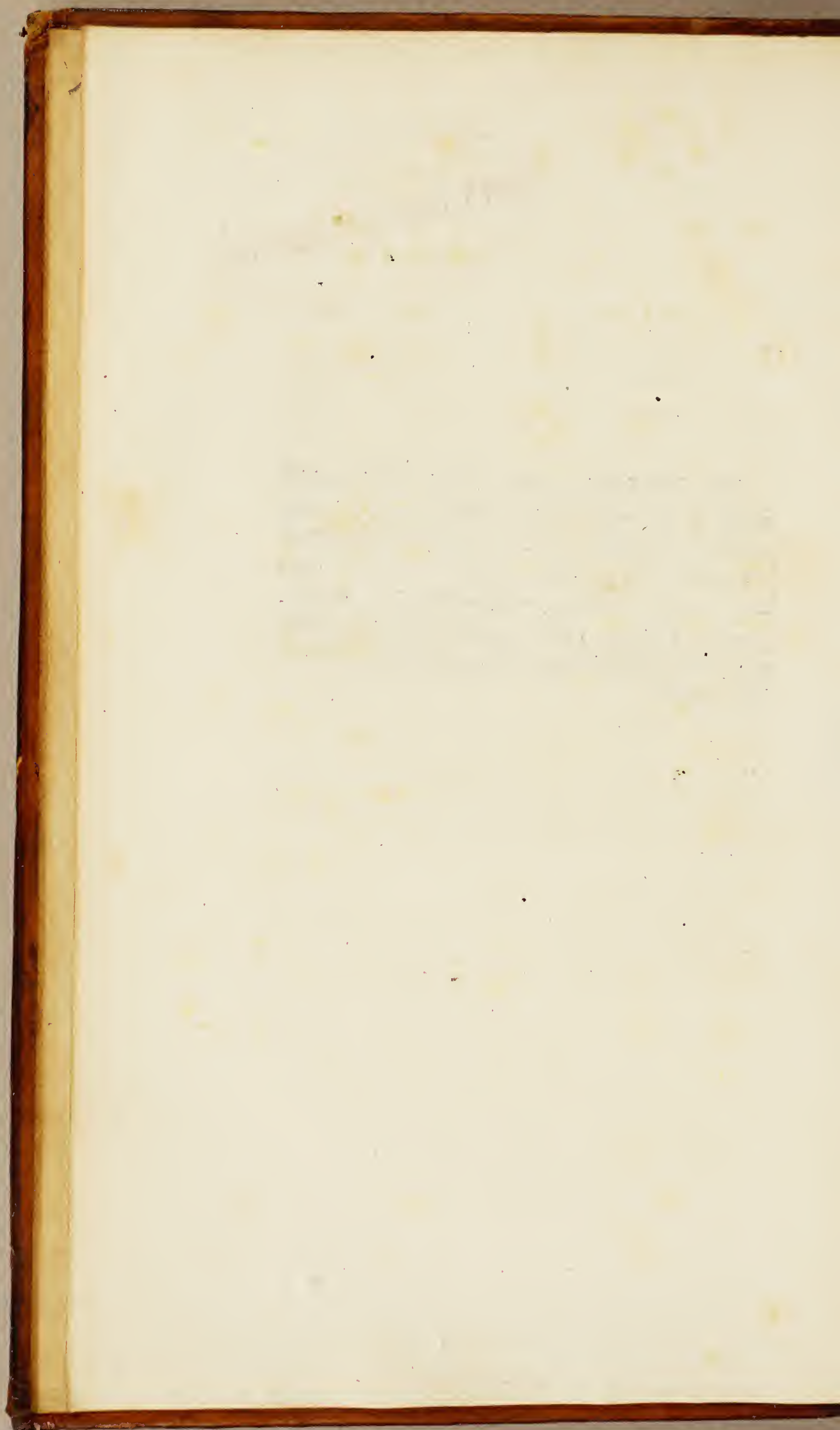
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JOHN CARTER BROWN

Note. The first impression of this Work, which consisted of only twelve copies, was privately printed in the year 1765. The second impression, which was a very large one, and in which there were several additions, was published at the beginning of June, 1766; and the third impression, which was likewise large, about the middle of the same month.

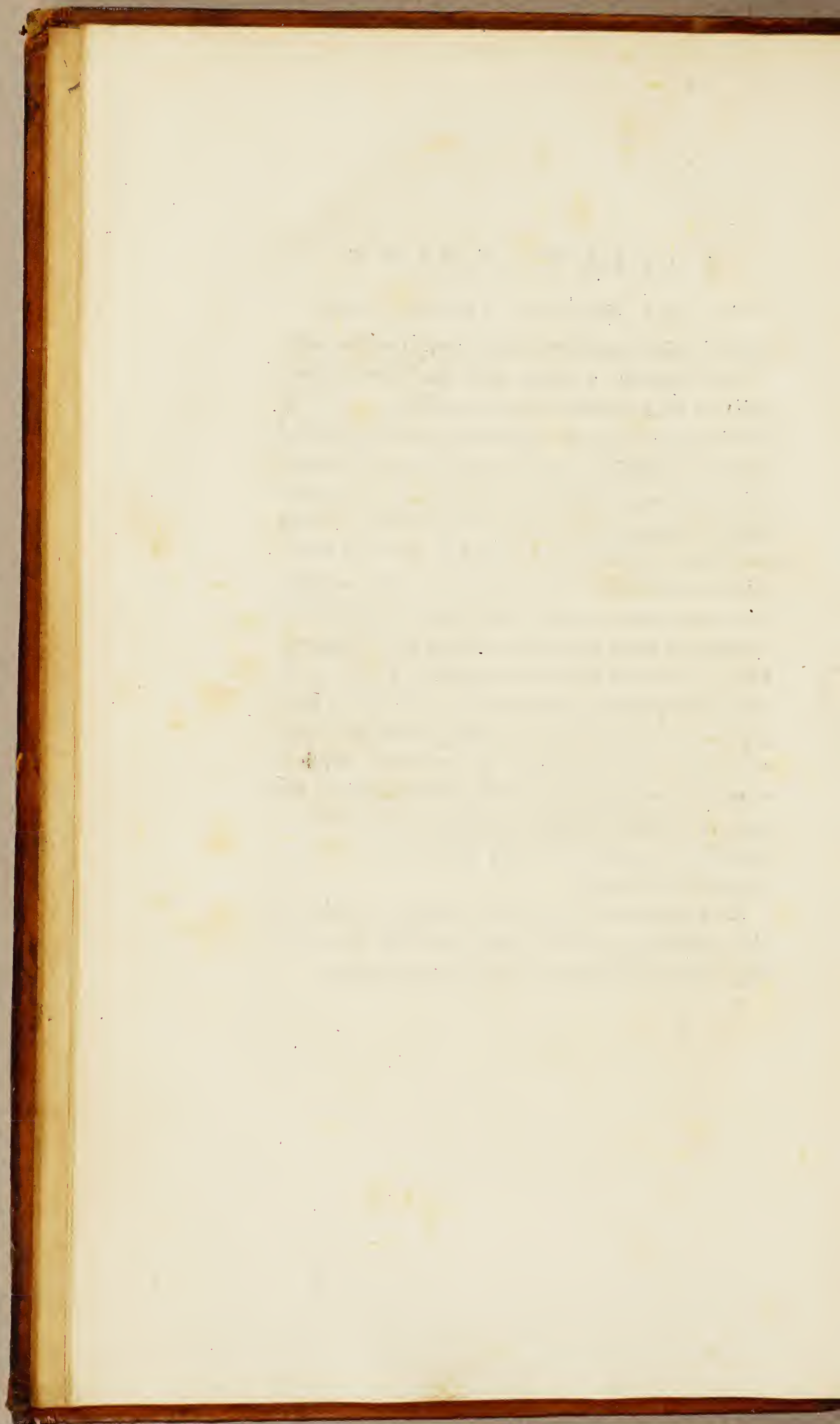


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TO THE SECOND IMPRESSION.

THE public should not have been troubled with this history, if there were not two reasons, which in some measure made it necessary. One is, that the many accounts which have been published of the late transactions are not only so extremely partial, but so very defective in narrative, and so materially foreign to truth, that it is impossible to form from them any just idea of some of the most interesting events which ever agitated the minds of men. The other reason is, that while the transactions are recent, and every particular of them is well remembered, it is less difficult to do justice to the cause, and to the persons concerned in it, than if it were postponed to some distant period, when not only the errors and partialities of the present writers, would undoubtedly mislead the future enquirer, but their intentional omissions of many of the most material facts prevent his being able to attain a right knowledge of them.

The writers have no other apology to make for the publication of this work, but that the same impartial design has not been executed before.



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A N
H I S T O R Y
O F T H E
L A T E M I N O R I T Y.

C H A P. I.

First steps of the Favourite. His designs. Takes Mr. Fox for his guide. They attack Mr. Pitt. The Favourite begins to form his faction. Pulls off the mask, and dismisses Mr. Legge. Letters and notes explaining that dismissal.

THE great and irreparable loss
which this nation suffered,
by the death of his late Ma-
jesty, is neither to be esti-
mated nor conceived : while he lived, that
able and upright administration, who with
the greatest glory to themselves, and un-
paral-

paralleled advantage to their country, were safe and undisturbed in continuing those successes, which at length, *must* have produced such a peace, as was not only *honourable*, but *adequate* and *permanent*. No lurking, mischievous STUART durst *then* interfere in the management of public business. But no sooner was the breath out of the late King's body, than the Earl of BUTE both intended and attempted to take the lead in the administration. To the gratification of his ambitious views, is to be attributed all the divisions and distractions into which this unhappy kingdom has been plunged, since his present Majesty's accession to the crown. It is assuming no pretence to wisdom, nor is it any affront to common sense, to say, that if no such man as the Earl of B. had been in Existence, when the late King died, not one of those evils would have happened, which not only the present race of men, but their children, will, in all probability curse to their graves.

Two days after his present Majesty's accession, the Earl of BUTE was, with
the

the King's eldest brother, introduced into the privy council. Scarce was the ink dry, which had marked his name upon the council book, when, although no minister himself, yet he assumed a magisterial air of authority, and began to give law in the court; and to shew, not only with what contempt he meant to treat the memory and conduct of the deceased monarch, but his dislike of the measures which were then, and had for some time been pursued; and in order to affront the ministers and the allied army, he invited to court, while the late King lay dead in his palace, the only unpopular man, at that time, in the kingdom; who but a few months before had been degraded from his rank, for a disobedience of orders, when in the service of his country. He was indeed admitted to kiss hands: but the true friends of the honour of the crown, and those who laid the foundation of all that glory which the army had acquired, and of that spirit which might have given law to the world, remonstrated so firmly against it, that he was

forced to abscond, and never presume again, during Mr. PITT's administration, to shew his face at St. James's.

Although the Earl of B. (who was already distinguished by the odious name of *Favourite*) was disappointed in his design of repeating this affront, by the unexpected firmness of the administration, yet his resolution of destroying them, was not in the least checked. But this was a point not only of such magnitude and importance, but of such extreme difficulty and danger, considering the high esteem and veneration in which they were held by the people, that it required uncommon skill and cunning to accomplish it. And being either conscious that he was unequal to the task, or finding the necessity of having some more able associate, than any of those "Scarce half-form'd" instruments, he brought with him from Savile-house; he took to his elbow that *piece of pure, and distinguished virtue*, Mr. Fox; with whom he constantly advised.

Reynard had cunning; and the *Favourite* power. Their object was Mr. PITT; who
being

being the pillar of the administration, their sole aim was to remove him, and to that one point, all their actions tended, in order to demolish the whole superstructure. The first attack that was made on him, was by a plausible pamphlet, entitled, "Considerations on the present German war;" written by one Mauduit, who, when Lord BUTE came into power, was rewarded with a good place for his services. The piece was written with singular art; and infinite pains were taken to circulate it in the world. But it did not injure Mr. PITT's reputation among the people, in such a manner as the faction who nursed it, hoped and expected. One kind of condemnation it received universally, viz. that it was written to serve the purposes of a party, who found it impossible to succeed in their designs, unless they could ruin him, who had made a point of abolishing all parties, and of uniting all men in the service of their King and Country. Any attempt therefore, to destroy that unanimity, which had been of such signal service to our country, was sure of being treated with

abhorrence, as well by his friends who were situated near him, as more especially by the public at large, and particularly by the middle rank of mankind, among whom *only*, true virtue is now to be found. These saw with real concern, and infinite regret, a faction forming among their superiors, and a political war breaking out, to divide and distract the people; with every symptom that could be prophetic of that kind of accursed mischief, which succeeded upon the weak Queen Anne's taking a Favourite into her bosom; and to the views of an intriguing cabal, sacrificing that administration, which had brought France almost to the brink of ruin, by the unanimity which till then, they had preserved at home, and the astonishing success with which they had carried on the war abroad. Among the intelligent part of mankind, nothing was better known, or more certain, than that the very alliance with Prussia, which was so violently exclaimed against, by the minion and his party, had, in times less favourable to Great Britain than the present, the approbation of the
minion

minion himself; and it was also as certain, that in those times, it had likewise the approbation of Leicester-House, as warmly as that of St. James's. But this was *before* the Favourite had formed his design, *of seizing the helm of government.*

For the present, the Favourite employed himself in sending to all public places, such as coffee-houses, &c. an infinite number of persons, to propagate all kinds of scandalous reports, and falsties, to the prejudice of Mr. PITT, in order to raise doubts and jealousies, among the people, concerning his conduct, and thereby attempt to weaken their confidence in that great and upright minister. It is incredible how inconceivably mean he was, in all this base and dirty work: but meanness forms a more principal part of his character, than either malice or pride. He likewise enlisted a number of writers, who every day filled the public papers with scurrility and invectives against that minister. Besides all this despicable business, he also engaged himself deeply with his artful coadjutor, in forming his faction. He made certain of meet-

ing with the cordial affection of that almost extinguished set of men, the Jacobites ; and, if in reality there be any difference, besides the name, he was as certain of having the support of that other infatuated set of men, called Tories : these with a great part of the Scots, who were naturally attached to him, formed his troop. And with them he resolved to seize the government, and with it the riches of the whole kingdom. A formal opposition was not his design. He placed his hopes of success, in another kind of support, which is directly contrary to the very principles of opposition. However the winter did not pass without an effort in parliament to hurt Mr. PITT, and thwart him in his vigorous measures against the common enemy. But that proving as unsuccessful, as the efforts of the Considerer, and not even shaking the credit of Mr. PITT's administration, he determined to pull off the mask, which had hitherto covered his designs, and as soon as the session of parliament was over, to carry into execution, in the most violent, open and daring manner, his *original plan*, of
 placing

placing the Tories in the administration, and putting himself at their head. Nothing could, in a more scandalous and barefaced manner, shew this base intention, than the dismissal of that most justly esteemed minister Mr. LEGGE; because he would not resign his seat in parliament, to a *Stuart*. He was the first who was marked for vengeance, because he was the first who opposed the favourite's wicked scheme, of laying his Tory foundation. The cause of this remarkable dismissal, as well as the most convincing proof of Lord B.'s secret views, and how early he had begun to pave the way for his future advancement, by raising false and cruel prejudices, in the mind of his PRINCE, the reader will find accurately related in the note, which is extracted from a publication made at Mr. LEGGE's own request.* Lord BARRINGTON succeeded Mr. LEGGE, as Chancellor of the Exchequer.

C H A P.

* “ He made it his dying request to the noble personage, who was best intitled to his affection and confidence, to lay before the public, the only reasons he knew of his dismissal from office. He had acquiesced

C H A P. II.

Lord Holdernessee dismissed. The Favourite made Secretary of State. His Faction rejoice. Remark. Is afraid to dismiss Mr. Pitt. Negotiation for peace. France foresees the divisions. Her designs in that negotiation. The family compact. Mr. Pitt's intelligence of it. Spain interferes. An interesting memorial suppressed by the Favourite. The negotiation breaks off.

TWO days after the dismissal of Mr. LEGGE, the Favourite caused the Earl of HOLDERNESSE to be removed from

quiesced silently in that dismissal, apprehending, that the time might come, when his irreproachable conduct and character would efface the impression of private misrepresentations. But when he found that the hopes of a recovery, with which he was so often flattered, in the course of his disease, were quite vanished, and that it would be his lot, to die in a state of disgrace with a most amiable and virtuous King, he apprehended for himself, lest his good name, which the best of men have always wished to transmit to posterity, should suffer from a presumption, easily propagated, that there must have been something wrong in him, to produce a dismissal, which is, in the case of most individuals removed from offices of state, a punishment of misconduct.

“ He

from his office of secretary of state, and rewarded his complaisance with a valuable
re-

“ He was therefore anxiously desirous the world should know, that he was not turned out for any blemish in his private or public character, and he thought it the most satisfactory method of securing his posthumous reputation, to publish the few papers, which explain his case. He apprehended himself intitled to do this, in his own vindication, as the papers contain no secrets, either of state, or of private friendship. They are, agreeably to his desire, here laid before the world, in their original form, with only a previous short narrative of the transaction, which occasioned them.

“ Upon the Duke of Bolton's accession to his title, in the year 1759, Mr. Legge was solicited to succeed his Grace as one of the representatives of the county of Southampton, his own seat in parliament chancing at that time to be vacant. He could not well have been importuned to an undertaking more unpleasant to him, and he declined it more than once, without reserve. The bustle of a popular election was unnatural to his liberal mind and manners, and a relation of that kind to a large county, in which he resided, might appear inconvenient to him, whose hands were at that time filled with public business. But he was prevailed with to accept the offer, by the repeated intreaties of his friends, which were enforced by the plea, that his fortune and character would do credit to a party, which had all his life been countenanced by government, and with which he had ever acted uniformly, tho' with undissembled moderation and good humour towards the other party. And he had the farther encouragement, of hoping, from the interest of the crown exerted in his
favor,

reversion, for no other reason but because he aimed at being secretary himself, and by the assistance of the Duke of NEW-CASTLE,

favor, in conjunction with that of the then prevailing party in the county, as well as with his own personal interest, which was very considerable, that his election would not be contested.

“ However, he fell into the disagreeable work of a contest. His competitor was Mr. Stuart, now Sir Simeon Stuart; and he found Mr. Stuart’s interest adopted by a noble Lord, (Lord Bute) with whom Mr. Legge was not at variance; who had no apparent relation of any kind to the county; whom therefore Mr. Legge did not think of consulting, before he resolved to comply with the desire of his friends.

“ After the county had been canvassed on both sides, Mr. Stuart thought fit to decline, and Mr. Legge received the following letter;

“ Downing Street, Nov. 25th, Monday Evening.

“ Dear Sir,

“ Lord Bute sent to me this morning, and told
 “ me, that having an opportunity of saving you, he
 “ had embraced it, and done you an act of friend-
 “ ship; for that Mr. Stuart having been with him
 “ for advice, whether to leave or pursue the elec-
 “ tion, as some of Mr. Stuart’s friends thought this
 “ critical season of an invasion hanging over the
 “ kingdom to be a very improper time for parlia-
 “ mentary contests, his Lordship had determined
 “ the point for relinquishing the pursuit; in con-
 “ sequence of which Mr. Stuart was to acquaint
 “ you with his resolution of declining a poll. Lord
 “ Bute

CASTLE, he was accordingly gratified with that degree of eminence. He now saw himself almost minister : he was co-adjutor

“ Bute added, that neither he, nor the greater person, whose name hath been used during the competition, would ever treat you with the more coldness for what hath happened : your part having been taken under an ignorance of their views and intentions ; that Lord Bute expected however, as he had a claim upon you in right of friendship, that you will concur with him, and give your aid to the person he shall recommend, at a future election. I answered to the last point, that I knew not, how far you would think yourself bound in honour to act with the body of whigs on such an occasion ; but if this consideration did not hinder, I was sure you would be happy, to give him that or any other evidence of your respect for him.

“ You will be pleased therefore to consider well, and (if you please) with the advice of your friends, before you give an answer on this head, that may tie you down, for on that answer you plainly see, very much will depend.

“ I am,

“ Dear Sir,

“ faithfully Yours,

“ Sam. Martin.”

To this Letter Mr. Legge returned the following answer ;

“ Holte, Dec. 5th, 1759.

“ Dear Martin,

“ I return you many thanks for your letter. Since I received it, I have had an opportunity of seeing a little more of the spirit and temper of the county, and can answer it better, than I could have done sooner,

adjutor to Mr. PITT, and in full possession of the royal ear. His friends were elated, beyond any possibility of words to express.

“ sooner. Leicester-House do me great justice in
 “ supposing I was totally ignorant of their concern-
 “ ing themselves at all in the Hampshire election,
 “ at the time my engagements were taken. I am
 “ obliged to Lord Bute for any intentions he had to
 “ save me, by the advice he gave to drop the oppo-
 “ sition; but if Mr. Stuart, or his friend, had ac-
 “ cepted the offer I made, with the concurrence of
 “ my friends, at the beginning, and as soon as I dis-
 “ covered what turn the election might take, every
 “ wish of Mr. Stuart’s had been secured, the peace
 “ of the county never been interrupted, little less
 “ than 5000l. a piece saved to us both, and what is
 “ still of more consequence, a month’s fermentation
 “ of parties been intirely prevented, which never
 “ fails to turn them all sour. Many of these good
 “ consequences had likewise been obtained, if the
 “ gentlemen had consulted, and enabled Lord Bute
 “ to put an end to the contest, before I left Lon-
 “ don, when you know how unwilling I was to
 “ push it to extremity.

“ As to the event of the election, there was not
 “ the least doubt about it. The county was tho-
 “ roughly canvassed, and upon as exact returns, as
 “ I believe ever are or can be made in a case of this
 “ kind. I could have given Mr. Stuart all the
 “ doubtful ones and all the neuters, in addition to
 “ his own poll, and yet have carried the election
 “ by a majority of 1400. I did not come into a
 “ single town, (except Alton) where it was not
 “ expected every day, that the opposition would be
 “ given up, and where almost any odds would not
 “ have been laid, that it never came to a poll. Nor
 “ do

express. The jacobites, and even those who had been in both rebellions, all now flocked to court, overjoyed to see a *Stuart* so

“ do I think, any consultation would have been
 “ held about dropping the affair, if all the money
 “ subscribed against me, and more, had not been
 “ expended, and all probability of carrying the
 “ point intirely vanished. This is my own firm
 “ opinion and belief, and yet, whoever reads my
 “ advertisement will see, that I have acted with the
 “ utmost candor, and given my opponents credit for
 “ such motives of retreat, as I am sure do them no
 “ dishonour. The expence indeed would have been
 “ enormous, if the dispute had been carried thorough,
 “ and so far I own there is a saving to us both, for I
 “ am convinced it would have amounted to above
 “ 20,000l. a piece. This is a sum I should have
 “ felt severely, and yet after my offer to compromise
 “ had been rejected, I must and would have spent
 “ it, and could have done it, without mortgaging
 “ my estate; I leave you to judge what effect it
 “ would have had on Mr. Stuart’s.

“ After saying thus much, I am very far from
 “ having any personal dislike to Mr. Stuart; on the
 “ contrary, I think he has been cruelly treated by
 “ some of his friends, and if the prevailing party in
 “ this county will receive him without opposition,
 “ I shall be very well satisfied and glad of it. But
 “ if the Whigs and Dissenters, who are very nu-
 “ merous in this county, will make a point of op-
 “ posing him, it will be impossible for me to de-
 “ clare for him, and abandon those, who have sup-
 “ ported me, to take part with those, against whom
 “ they have supported me. This would not only
 “ put my own election in jeopardy, but be so un-
 “ grateful and disreputable a part for me to act, that
 “ it

so near the royal diadem. They failed not to pay their most humble duty, and swear

“ it would in the same proportion make my assistance
“ ineffectual to the person I should join with.

“ I am, &c.

“ H. B. Legge.”

Upon this answer, Mr. Legge received a verbal message from Lord Bute by Mr. Martin, Dec. 12, 1759, the purport of which was, as it stands upon Mr. Legge's paper, “ that he should bid adieu to
“ the county of Southampton at the general elec-
“ tion, and assist as far as lay in his power, the
“ Prince of Wales's nomination of two members?” To which message a categorical answer was required, and Mr. Legge sent the following, in writing, on the same day ;

“ Mr. Legge understanding it to be expected,
“ that he (who never had engaged at all in the
“ county of Southampton, if the intentions of
“ Leicester House had been in time communicated
“ to him) shall not only refuse to be chosen him-
“ self at the next general election, but assist Lord
“ Carnarvon and Mr. Stuart, in opposition to
“ those, who have supported Mr. Legge at the late
“ election ; is determined to submit to any conse-
“ quences, rather than incur so great a disgrace.”

Lord Bute sent a reply the same day, which Mr. Martin wrote down from his own mouth, in the following words ;

“ The instant Mr. Legge represents himself as
“ bound in honour not to decline standing for Hamp-
“ shire

I swear fealty to the *Stuart* himself, although they had refused both, to a prince, who had

“shire, at the next general election, Lord Bute is
 “firmly persuaded, that the Prince will by no means
 “desire it of him; but he does out of real friend-
 “ship to Mr. Legge beseech him to consider very
 “seriously, whether, *after triumphing over the*
 “*Prince’s inclinations at present, Lord Bute has any*
 “*method left of removing prejudices, that the late un-*
 “*happy occurrences have strongly impressed the Prince*
 “*with,* than by being enabled to assure him, that
 “Mr. Legge will, as far as shall be in his power,
 “co-operate with his Royal Highness’s wishes at
 “the next general election.”

Mr. Legge returned the following final answer ;

“Tho’ in fact Mr. Legge has been so unhappy, as
 “to find himself opposed to the Prince of Wales’s
 “inclinations, yet as to intention, Mr. Legge feels
 “himself entirely blameless; and has too high a ve-
 “neration for the Prince of Wales’s justice to think,
 “he will conceive lasting prejudices against any
 “Man, for resisting those inclinations, of which
 “he was totally ignorant.

“As Mr. Legge flatters himself this consideration
 “will induce the Prince of Wales to forgive his en-
 “tering into engagements with the county of South-
 “ampton, he is certain, that his Royal Highness
 “will not condemn his adhering to those Engage-
 “ments, when entered into.

“God forbid, Mr. Legge should be suspected of
 “triumphing over the Prince of Wales’s inclina-
 “tions! the contrary was so much his intention, that
 “from the moment he discovered which way those
 C “inclina-

had pardoned their unprovoked disloyalty. They saw, and in that they placed their joy, not only one of the name, but of

“ inclinations lay, there was no endeavour he did
 “ not use, to avoid the dispute with honor ; nor did
 “ Mr. Legge exert himself, either in point of ex-
 “ pence or personal application, till all compromise
 “ being rejected, he had no other part left to act.
 “ Mr. Legge is obliged to Lord Bute for the
 “ friendship he expresses toward him. Surely his
 “ Lordship cannot doubt but that Mr. Legge should
 “ be extremely glad, if he could find himself in such
 “ a situation, as would permit him to have the ho-
 “ nour of obeying the Prince of Wales’s commands,
 “ and seconding his wishes, without breaking the
 “ faith he has openly and publicly pledged to the
 “ county of Southampton. This if he were to do,
 “ he should forfeit all title to the Prince of Wales’s
 “ countenance and protection as certainly, as he
 “ knows he should forfeit his Royal Highness’s pri-
 “ vate good opinion.”

Here the correspondence ended. His late Majesty died the year following, and at the end of the first session of parliament, after his present Majesty’s accession, Mr. Legge was dismissed, or, as he chose to express it, *turned out*, after having served the crown and the public, in his department, during that session, with his usual ability and fidelity.

He had abundant resources, in his own mind, to reconcile him to private life, and might have had his disgrace glossed over by a favor, which he declined. He said, it was his duty to submit, but not to approve. He had the more valuable and independent satisfaction, soon after the event, to be unanimously chosen to represent the county of Southampton, at the general election.

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the family and *principles* of Stuart, bidding fair, by gigantic strides, to ascend the highest feat of power. Their long wished for halcyon days they thought were now in view. The slavish and arbitrary doctrines, which they had imbibed with their milk, they hoped to see soon established as the laws of the land. These true Tories, true Scots, and in their hearts true Jacobites, depended upon the Favourite for a total subversion of that system, which had hitherto excluded them from any share in the government, and their tenets from any countenance.

It was now obvious to all mankind, that the Earl of B. was endeavouring to form a Tory ministry, that is, a ministry of such men as had been distinguished by their disaffection to the house of Hanover; had, like himself, high notions of the prerogative, and were also enemies to the principles of the revolution. If it were natural for him to associate with such kinds of men, and esteem them beyond all others, yet he ought to have considered, that for

the satisfaction of the people, and more especially for the happiness of his too indulgent Master, they were extremely unfit for the purposes he intended them. But these do not seem to be points, to which he ever paid the least regard. The gratification of his own unbounded ambition, was the sole object of his attention. Yet he had still the misfortune, notwithstanding he had gained the post of secretary of state, to be unable to worm out Mr. PITT; whom he considered as the only bar to the execution of his designs. He durst not advise the dismissal of that minister; the consequences of which might prove fatal to himself, and destroy his whole plot. He therefore waited, not doubting but that time and *intrigue* would furnish opportunities, for accomplishing that by degrees, which his own small share of common sense, told him was not prudent to be done all at once.

Fortunately for him, about this period, a negociation for peace was set on foot, in consequence of an application from France, who foreseeing the divisions
which

which would shortly ensue in the British councils and nation, under the auspices of the *Favourite* and his faction, resolved, by the arts of a cunning minister to improve them ; and at the same time, if possible, to get at the secrets of the state. By the too great openness of some, and the unpardonable treachery of others, there is reason to believe she succeeded but too well in her designs. As for Mr. PITT, he remained steadily attached to the true interests of his Sovereign, with the unshaken fidelity of an honest minister : he neither revealed the secrets of the state, nor betrayed the weakness of his country. While this negotiation was on foot, France entered into a close and firm union with Spain, grounded not alone upon important considerations respecting futurity, but likewise, upon immediate hostile views, against both Great Britain and Portugal ; for her minister in London had too much penetration not to perceive, from the conduct of the *Favourite*, and his exclusive enjoyment of the royal ear, that a change in the English

ministry must inevitably happen in a short time, and then France, strengthened with that alliance, and England embarrassed with a new war in Portugal, might from a minister less able and firm than Mr. PITT, obtain such a peace, as at this instant she could not hope for. Of this very alarming connexion, Mr. PITT had the most early and authentic intelligence, together with the most positive assurances, from persons of undoubted veracity, who are at this hour in no common sphere of life. About the same time M. BUSSY, the French minister in London, delivered to Mr. PITT a memorial from Spain, desiring that some differences, which subsisted between England and her, might be settled, at the same time as those with France. This was a proceeding extremely irregular, as Spain had a minister of her own at the British court; who, when applied to, haughtily avowed and justified this insolent behaviour. Mr. PITT returned the memorial as *inadmissible*. It is proper to remark; that some time before, a memorial from the English ministry, had

had been presented to the Spanish court, relating to the points in dispute with Spain, and returned as *inadmissible*. This memorial, which was very interesting to the public, was (for certain reasons, which perhaps only the Favourite can explain) never published in the garbled collection of “ papers relative to the rupture with Spain,” though undoubtedly it would have been of real consequence, to see not only the matter, but the manner of expression; as Mr. PITT afterwards publicly declared, he made the refusal of that memorial, the *precedent* of his conduct with respect to the memorial sent over verbatim from Spain, and delivered by M. Bussy. But justice and impartiality did not serve the views of the Favourite.

From this strange conduct of France, in her management of Spain, and her ambassador undertaking the Catholic King’s business, Mr. PITT was confirmed in his suspicions, that France was not at present *sincere* in her desire for peace. Therefore the negotiation broke off.

C H A P. III.

Mr. Pitt and Lord Temple declare against Spain. Are counteracted by the Favourite, who denies their having had any intelligence of the family compact. Is contradicted and convinced of his error by Lord Temple. Lord Temple and Mr. Pitt take their leaves of the council. Lord Granville's high opinion of them. Mr. Pitt resigns. Is calumniated by the Favourite and his faction. Explains his resignation. The Favourite's plan of government. Lord Temple resigns. Cowardice of the ministry. War declared against Spain. Lord Temple and Mr. Pitt applauded.

MR. PITT, foreseeing a war with Spain inevitable, instantly prepared for it. And being on this occasion, as he had been on every other, firmly supported by his brother, Lord TEMPLE, they submitted their advice, in writing, to his Majesty, "to recall Lord BRISTOL," at that time,

time, the British ambassador at Madrid.*

But the Favourite by his arts, and pernicious counsels, had so managed matters, that the credit and influence of these illustrious personages, were considerably weakened. They were not insensible of it. But this being the happy opportunity of obliging Spain to declare herself, and this being business of the utmost importance to the public, they resolved, against whatever opposition might be formed, to attempt this signal service for their country. After it had been deliberated three times in the cabinet, Mr. PITT saw his influence in the State, so

* Some time after, Lord Temple, in a great assembly, after recommending unanimity in the strongest terms, did declare, "That he would make
 " but one observation upon all that had been said,
 " relative to the Family Compact, viz. that it was
 " allowed to have been signed in August, ratified in
 " the first week of September, and the written advice
 " was given and dated on the 18th of the same
 " month." Upon which the Favourite asserted,
 " That there was no intelligence of such a fact, so
 " constituted, at that time." To which Lord
 Temple replied, " That there was intelligence of
 " the highest moment, relative to those matters at
 " that time; that he was not at liberty to publish
 " it, but would *refresh* his lordship's memory in
 " private," which he accordingly did.

lost,

lost, that only his faithful friend Lord TEMPLE, adhered to his opinion. They now found it was time to resign, and that their resignations were ardently wished for, by the Favourite.

When they were about taking their leaves of the third and last council, summoned to deliberate on the conduct of Spain, Lord GRANVILLE (then lord president) expressed, in his own nervous and manly eloquence, “ His very high opinion of their consummate wisdom, penetration, honour and integrity, and in a most particular and emphatical manner, mentioned the great number of insurmountable difficulties which they had had to struggle with.” No other proofs need be given, than the words of this great man, of the difficulties, which rendered it impossible for these disinterested patriots, to continue in the service of their country.

Altho’ the KING declared to Mr. PITT when that Minister resigned, which was on the 5th of October 1761, that he was very sorry to part with so able a servant ;
yet

yet the Favourite, with a meanness and malice peculiar to himself, instantly set all his creatures to work in every public place, and in all the public papers, to revile, asperse and libel the character of that great man. The gazette itself was prostituted to serve his low and base artifices: he purposely postponed the account of Mr. PITT's resignation, for several days, in order that one of the *soothing declarations* from Spain might appear along with it, by way of giving the lie to Mr. PITT's opinion of the Spanish intentions*. The torrent of scandalous
and

* The following are the articles which appeared in the London Gazette of October 10:

Madrid, Sept. 4. A report having been lately spread here, upon the arrival of the last letters from France, as if there was reason to apprehend an immediate rupture between our court and that of Great Britain; we understand, that the Spanish ministers, in a conversation which they had lately with the Earl of Bristol, ambassador extraordinary from his Britannick Majesty, expressed their concern thereat, and declared very explicitly to his Excellency, that, on the part of their court, there was not the least ground for any such apprehensions, as the Catholic King had, at no time, been more intent upon cultivating a good correspondence with England, than in the present conjuncture.

St.

and illiberal abuse, which was at this time poured forth by the orders of the Favourite, shewed that he dreaded nothing so much as the name and reputation of Mr. PITT; and the wicked practice of corruption which was instantly had recourse to, also shewed how much he feared, lest Mr. PITT should regain his influence in the state. The body of the people, however, to their eternal honour, paid no regard to the incredible shoals of invectives and scurrility thrown out against so able a minister; but on the contrary, unanimously spoke of his inestimable ser-

St. James's, Oct. 9. The Right Honourable William Pitt having resigned the seals into the King's hands, his Majesty was this day pleased to appoint the Earl of Egremont, to be one of his Majesty's principal secretaries of state. And, in consideration of the great and important services of the said Mr. Pitt, his Majesty has been graciously pleased to direct, that a warrant be prepared for granting to the Lady Hester Pitt, his wife, a Barony of Great Britain, by the name, stile, and title of Baroness of Chatham, to herself, and of Baron of Chatham to her heirs male; and also to confer upon the said William Pitt, Esq; an annuity of three thousand pounds sterling, during his own life, and that of Lady Hester Pitt, and their son John Pitt, Esq;

vices,

vices, in such terms, as could only be dictated by the highest sense of gratitude*.

The

* Mr. Pitt finding himself traduced, day after day, in the public papers, explained the true causes of his and Lord Temple's resignations, in the following letter, to his friend in the city.

Dear Sir,

“ Finding, to my great surprise, that the cause and manner of my resigning the seals, is grossly misrepresented in the city, as well as that the most gracious and *spontaneous* marks of his Majesty's approbation of my services, which marks followed my resignation, have been infamously traduced as a bargain for my forsaking the public, I am under a necessity of declaring the truth of both these facts, in a manner which I am sure no gentleman will contradict; a difference of opinion with regard to measures to be taken against Spain, of the highest importance to the honour of the crown, and to the most essential national interests, and this founded on what Spain had already done, not on what that court may farther intend to do, was the cause of my resigning the seals. Lord Temple and I submitted in writing, and signed by us, our most humble sentiments to his Majesty, which being overruled by the united opinion of all the rest of the King's servants, I resigned the seals on Monday the 5th of this month, in order not to remain responsible for measures, which I was no longer allowed to guide. Most gracious public marks of his Majesty's approbation of my services followed my resignation: They are unmerited and unsolicited, and I shall ever be proud to have received them from the best of Sovereigns.

I will now only add, my dear Sir, that I have explained these matters only for the honour of truth, not
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The Earl of B. now took the lead in the administration, and in all public business, whether of a foreign, or domestic nature, without whose concurrence nothing could, nor was even attempted to be done. His whole idea of government ; was taken from that silly paper, delivered some years ago to the chiefs of the Tory opposition, which the reader may see in the note*. It is curious, only because it con-

in any view to court return of confidence from any man, who with a credulity, as weak as it is injurious, has thought fit hastily to withdraw his good opinion, from one who has served his country with fidelity and success ; and who justly reveres the upright and candid judgment of it ; little solicitous about the censures of the capricious and the ungenerous : accept my sincerest acknowledgments for all your kind friendship, and believe me ever with truth and esteem,

Oct. 14,
1765.

My dear Sir,

Your faithful friend,

W. PITT.

There was no genuine answer to this letter, as was pretended in the public papers, at that time.

* “ His Royal Highness has authorised Lord T. and Sir F. D. to give the most positive assurances to the gentlemen in the opposition, of his upright intentions ; that he is thoroughly convinced of the distresses and calamities that have befallen, and are every day

contains that contemptible plan of government, which the Favourite pursued. While
this

day more likely to befall this country ; and therefore invites all well-wishers to this country, and its constitution, to coalise and unite with him, and upon the following principles only.

His Royal Highness promises and will declare it openly, that it is his intention to totally abolish any distinctions for the future, of parties ; and as far as lies in his power, and as soon as it does lie in his power, to take away for ever, all proscription from any set of men whatever, who are friends to the constitution ; and therefore will promote for the present, and when it is in his power, will immediately grant,

First, A bill to empower all gentlemen to act as justices of peace, paying land-tax for 300 l. per annum, in any county where he intends to serve.

Secondly, His Royal Highness promises in like manner to support, and forthwith grant, whenever he shall have it in his power, a bill to create and establish a numerous and effectual militia, throughout the kingdom.

Thirdly, His Royal Highness promises in like manner, to promote and support, and likewise grant, when it is in his power, a bill to exclude all military officers in the land service, under the degree of colonels of regiments, and in the sea-service, under the degree of rear-admirals, from sitting in the house of commons.

Fourthly, His Royal Highness promises that he will, when in his power, grant inquiries into the great number of abuses in offices, and does not doubt of the assistance of all honest men, to enable him to correct the same for the future.

Fifthly,

this plan remained in *theory* only, a few weak men cried it up, as a master-piece of

Fifthly, His Royal Highness promises, and will openly declare, that he will make no agreement with, or join in the support of any administration whatever, without previously obtaining the above-mentioned points in behalf of the people, and for the sake of good government. Upon these conditions, and these conditions only, his Royal Highness thinks he has a right not to doubt of having a most cordial support, from all those good men, who mean their country and this constitution well, and that they will become his and his family's friends, and unite with him to promote the good government of this country ; and that they will follow him, upon these principles, both in court and out of court ; and if he should live to form an administration, it shall be composed, without distinction, of men of dignity, knowledge and probity. His Royal Highness, farther promises to accept of no more, if offered to him, than 800000 *l.* for his civil list, by way of rent-charge."

Answer to the foregoing Proposal.

The Lords and Gentlemen to whom a paper has been communicated, containing his Royal Highness the Prince's gracious intentions upon several weighty and important points, of the greatest consequence to the honour and interest of his Majesty's government, and absolutely necessary for the restoring, and perpetuating the true use and design of parliament; the purity of our excellent constitution, and the happiness and welfare of the whole nation, do thereinwith the greatest satisfaction observe, and most gratefully acknowledge, the uprightness and generosity of his Royal Highness's
noble

of policy : but since it has been carried in-
to *practice*, the whole kingdom has con-
demned it as a master-piece of folly.

The Earl of EGREMONT succeeded to
Mr. PITT's office, being every way quali-
fied for the purposes of the Favourite. Lord
TEMPLE was out of town when Mr.
PITT resigned, but returned a few days
after, and immediately resigned his office
of Lord Privy Seal. For some time this
high office was vacant, at length the Duke
of BEDFORD was appointed to fill it.

noble sentiments and resolutions. And therefore
beg leave to return their most dutiful and humble
thanks for the same, and to assure his Royal High-
ness, that they will constantly and steadily use their
utmost endeavours to support those his wise and sa-
lutory purposes, that the throne may be strength-
ened, religion and morality encouraged, faction
and corruption destroyed, the purity and essence
of parliament restored, and the happiness and wel-
fare of our constitution preserved.

When the above answer was returned to the Prince,
there were present,

<i>The Duke of B.</i>	<i>Sir Wat. Wil. W.</i>
<i>The Earl of L.</i>	<i>Sir John H. C.</i>
<i>The Earl of T.</i>	<i>Sir Walter B.</i>
<i>The Earl of W.</i>	<i>Sir Robert G.</i>
<i>The Earl of S.</i>	<i>Mr. F.</i>
<i>Lord F.</i>	<i>Mr. P.</i>
<i>Lord W.</i>	<i>Mr. C.</i>

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The moment Mr. PITT was departed from the helm, the new ministers, under the directions of the Favourite, adopted a very different plan, with regard to the measures with Spain, from that proposed by the late minister. They chose to proceed by the tardy steps of an Ambassador; and when upwards of three months had been trifled away, in dispatching memorials, letters, answers, &c.* a declaration of war against Spain came sneaking out, in January 1762,

* “Whoever considers the Situation of Spain, (unprepared as she was at the time the written advice was given) with respect to her ports, her ships of war in those ports, her colonies, her commerce, *her own, as well as the riches of France, on board her ships*, can never sufficiently lament the loss of an autumnal campaign. If we add that the fleet of England was at no time so formidable, her seamen never so full of spirit, and flushed with repeated victories; in Europe only, upwards of 140 ships of war; in other parts of the world, above 100 more; we must sink in amazement at our supineness and neglect of so critical a period.” *Mr. Wilkes’s observations on the Spanish papers, page 28.*

Nov. 2. 1761. “Two ships have lately arrived at Cadiz, with very extraordinary rich cargoes, from the West Indies; *so that all the wealth that was expected from Spanish America, is now safe in Old Spain.*” Lord Bristol’s letter, in the Spanish papers, page 29. quarto edit.

which

which ought to have appeared in the preceding September; for at both periods, the necessity was just the same. And it is evident, from the conduct of the British ministers, in this matter, that if Spain had chosen to continue evading and procrastinating, she might easily have gained another three or four months, to arm and make preparations; for so low did their pulse beat, after Mr. PITT's resignation, that they durst not venture to declare war, until precipitated upon it by the rashness of the enemy. This being apparent to the whole world, the ministry, and more particularly the Favourite, were pursued and persecuted, with the indignation and resentment of the honest part of their countrymen; who now clearly saw the wisdom and rectitude of the measure proposed by Mr. PITT and Lord TEMPLE, and therefore did not fail to testify anew, their sincere veneration, for those truly honourable and respectable patriots.

C H A P. IV.

Debate on the supply granted for the King of Portugal. Speeches of Mr. Glover, Lord George Sackville, and Mr. Pitt.

NOtwithstanding the unprovoked treatment, which Mr. PITT had met with from the Favourite and his instruments, yet he did not enter into a factious opposition; but behaved in his retirement with that serenity and dignity, which was so worthy of his character, and of his sincere desire to promote the real welfare of his country. So far from opposing government, or deserting the public, at this very critical juncture, he poured forth his manly eloquence to strengthen the hands, and to give resolution and spirit, to a feeble and irresolute administration. His zeal for the public, his firmness, spirit, and moderation, were no less admired, than the solid wisdom, deep policy, and heroic magnanimity of his counsels. When a supply of one million was desired, to assist the King of Portugal, Mr. PITT behaved, not
like

like a discontented opponent, determined to oppose implicitly, but on this occasion nobly supported the cause of his country, and its ally the King of Portugal. He wished to save Portugal, not by an ill-timed and penurious, but by a most efficacious and adequate assistance.

There was one gentleman indeed, [Mr. GLOVER] who endeavoured to represent the King of Portugal as having violated his engagements with the English merchants, in the wine trade, who had made some complaints, which he apprehended had not been attended to, by the late minister, therefore he thought the King of Portugal had no right to expect any assistance from England.—And there was a noble Lord [Lord GEORGE SACKVILLE] who aimed at shewing the difference in the expence of Queen Anne's war and the present; that tho' in the former he said, we had near 180,000 troops employed on the continent, and in the present not above one half the number, yet the expence now was much greater than at that time, which he thought must be

owing to a want of œconomy in the managers of the German war. He was of opinion, that the expence the nation had been at, was so great, it was impossible to raise any further supplies; that therefore, he feared he should see the time when we should come to a full stop for want of money to carry on the war; that he bled to see his country in such distressed circumstances; and concluded with hoping he should not see the time, when we, as a conquering nation, should be obliged to ask a peace of those, who ought to beg it of us.

But these sparks of opposition were extinguished in an instant, by Mr. PITT, who pointed out the necessity of continuing the German war, and of assisting the King of Portugal. And he observed, that in times of war, connexions with the continent had always been found political, except in the four unhappy reigns of the Stuarts. Then, turning about to several persons, he very jocularly said, you who are for continental measures, I am with you; and you who are for assisting
the

the King of Portugal, I am with you; and you who are for putting an end to the war, I am with you also; in short, I am the only man to be found that am with you all. He then enumerated the successes which had attended the British arms in all parts of the world, and the immense advantages gained in our trade, which would more than compensate the great expence we had been at; and which he observed was a consideration that had been overlooked by those who were complaining of the heavy burthen of the war; and in regard to contracting the expences, he entirely agreed with those who were for it, and urged, that who ever would effect this salutary work, would deserve the highest encomiums; but he hoped a distinction would be made between contracting the expence, and contracting the operations of the war, and desired any one present to shew how the latter could have been, or might still be done with safety: He then remarked, that he did not find any less expence attended the nation now, than when he unworthily held the seals, or

that more was done ; and turning to the Marquis of GRANBY, he observed, that he knew his zeal for the service of his country was such, that if he had received his orders, he was sure he would not then be where he was. And as to what the noble Lord had said, no one doubted his capacity, if his heart was but as good ; that for his own part, he could not tell the reason of the continental expences being greater now than in Queen Anne's time, unless it was because provender and every thing else in Germany was dearer now than then, and wished the noble Lord had explained that part of his speech, for he did not properly know what to make of it ; it carried a something ! a suspicion he did not well understand ! but if he meant that there had not been fair play with the money, he knew nothing of it ; and then stretching out his hands, and moving his fingers, said they were clean, there was none of it stuck to them ! and that he would second any person, who should move for an enquiry into the money-matters ; he was anxious to know how it was
 appro-

appropriated, that the whole truth might come out : He observed, that the noble Lord had said, he bled for his country, and he did not wonder at it ; that it was his opinion, he ought to throw his body at his Majesty's feet, and there bleed at every pore. He then represented, that in consequence of our withdrawing our troops from Germany, Portugal, and the Low Countries, would become a prey to the French and Spaniards ; that in point of policy we ought not to suffer it ; but that he did not mean to bear Portugal on our shoulders, but only to set him on his legs, and put a sword in his hand. He affirmed, that France was almost a ruined nation, having expended in the last year upwards of eight millions, and had been still losing : that he knew the finances of France, as well as any man in England ; and that we, by our successes, were repaid for our expence ; that it was wrong and unjust to represent Great Britain in so deplorable a state, as unable to carry on the war (for there were always strangers in the gallery, who wrote to their friends in Holland,

Holland, an account of what passed in that place, and the Dutch forwarded it to the French) that it was well known, England never was better able to support a war than at present; that the money for this year was raised, and he would answer for it, if we wanted 15 or 20 millions for next year, we might have it; he therefore strongly recommended the million as desired: that he knew the cry which had been propagated for these three years; You wont be able to raise money to continue the war another year; and yet we all saw the contrary. He affirmed, that one campaign might have finished the war; (alluding to his own proposal of demanding a categorical answer from Spain.)

And in answer to the gentleman who had said, that the complaints of the Portuguese merchants had not been attended to, he insisted, that so far from it, he had spent many nights in considering them; and referred that gentleman to what had passed between him and the Ambassador of the court of Portugal, wherein those points had been adjusted. He then recommended

mended union and harmony to the ministry, and declar'd against altercation, which he said was no way to carry on the public business, and urged the necessity of prosecuting the war with vigour, as the only way to obtain an honourable, solid, and lasting peace; and proved from the readiness with which supplies had been granted, there would be little danger of a stop on that account, so long as the money was properly applied, and attended with success.

C H A P. V.

The national faith broke. Certain infamous correspondencies. The Duke of Newcastle resigns.

THE Favourite now finding himself sole minister, in effect, though not in appearance, resolved to treat the alliance with Prussia, in the manner he had ever wished and intended, from the moment he had formed his design of becoming absolute premier. He therefore refused to renew the treaty with that power, which happened to expire during his administration.

ministration. But to keep the Prussian Resident in London, in some sort of good humour about it, he amused him from time to time, with strong promises that the subsidy should be granted, and several of his creatures (who were afterwards his ministers) were parties at conferences, held for that purpose : at length, having kept the Resident in suspense near 4 months, viz. from January to April 1762, he refused to give the money. The Advocates of the Favourite were at this time hired to maintain, that the bad faith practised towards the King of Prussia, was a duty which we owed to ourselves, and justifiable by the law of nations. However, not content with throwing this indelible stain on the faith of the English nation, he had recourse to an artifice still more infamous, in order to injure that monarch. A correspondence was carried on, with the court of Petersburgh, in which the minister (most undoubtedly without his Majesty's knowledge, for the respect to the crown obliges us to believe so) said, or insinuated in very strong terms, that
we

we should behold with concern, the late Emperor of Russia's withdrawing from the alliance, and recalling his troops, from the assistance of the Empress Queen ; that this country did not wish that the King of Prussia should be aggrandized, at the expence of the house of Austria, but would rather desire to see that power revert to its primitive electoral state. This is believed to be a short state of the fact, in the language that it comes from abroad ; and it is there added, that his Prussian Majesty is possessed of authentic documents to shew it ; transmitted to him from the court of Russia.—Another correspondence was carried on with the court of Vienna, to whom the most scandalous submissions were made, in order to accomplish a reconciliation between that haughty court and Great Britain ; and to lay the foundation of an alliance * “ in “ consequence of some concessions to be

* Had this proposed alliance taken place, will any man upon earth say, we should have been less *Germanized* in this reign, than during the late ?—Was it not taking Austria again upon our shoulders ?

“ made

“ made in Italy, or *elsewhere*.” This word *elsewhere*, is of unlimited latitude, and capable of such dangerous construction, that considering the system which the Favourite was then pursuing, and to whom this submissive proposal was made, no other than the inveterate and implacable enemy of Prussia! there will scarcely remain a doubt whose dominions it was intended to imply.

This prostitution of national faith; this offered treachery to a monarch, who had often been stiled from the throne a magnanimous Prince, and good ally; and whose alliance had been approved by the unanimous voice of the people, and had received the solemn sanction of both houses of parliament; cannot fail of raising in the mind of every honest man, a just and warm indignation for so contemptible a being, as could form such base and scandalous projects.

To convince those ministers of the late King, who had chosen to remain in their offices, after the expulsion of Lord TEMPLE and Mr. PITT, that the Fa-
vourite

vourite meant to seize the helm ; he immediately invaded their several departments ; corrupted their secretaries and confidants, to betray to him the business or secrets transacting in each. Indeed, men of less discernment than the ministers saw, and said, that their date in office was but very short, when the Favourite had given such a proof of his power, as the banishment of Lord TEMPLE and Mr. PITT. But for reasons, which only concern themselves, they chose to enjoy their SALARIES *by permission*. It is nonsense to say that they enjoyed POWER ; for it is notorious, that the Favourite arbitrarily disposed of every place, as it became vacant, not only without complimenting them with any kind of solicitation, but even without their knowledge : and in justice it must be said, that for some time, at least, they not only silently, but meanly, acquiesced in all his measures. At length some of them became uneasy under his yoke, and finding that they should shortly be turned out, resolved to resign.

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The Duke of NEWCASTLE, who was first Lord of the Treasury, resigned on the 26th of May 1762 ; for this plain reason, which his friends gave out, “ *Because he found his influence was gone before him.*” Indeed, his Grace had met with such kind of treatment, as was no longer sufferable. But this he might have foreseen : for no sensible man about St. James’s doubted, (three days after Mr. PITT’s resignation) that his Grace held the very post, which the Favourite was determined to occupy himself. And had his Grace, with his adherents, as firmly attached themselves in the hour of danger, as they had done during the course of the war, to those true friends of their country, who manifested by their early retirement their disapprobation of the Favourite, and his destructive measures, they might, in all probability, have prevented those fatal consequences, which such an unhappy want of fidelity occasioned.

C H A P. VI.

The Favourite made a Knight of the Garter. Note from the Monitor, and an account of the prosecution of that paper. The Favourite made first Lord of the Treasury. Sweeps the Cocoa Tree for a Ministry. Curious account of him. Turns out all who had been put in by the Duke of Newcastle. Bars up all the avenues to the Royal Closet. Peace is his only object. A number of Peers created. Lords of the Bedchamber increased. The power of the crown extended, and the law evaded.

THE Treasury being now vacated in form, the Favourite, although eager to mount this pinnacle of power, resolved not to do it, until decorated with the most noble English order of the garter; and for this purpose, the very day after the Duke's resignation, a chapter was summoned to meet at St. James's, and the Earl of Bute was invested by his Sovereign, with the ensigns of the order, at the same time with Prince William Henry,

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third brother of his Majesty. TheFavou-rite was before a Knight of the ancient Scottish order of the Thistle; therefore this circumstance of changing the colour of his ribband, was such a ridiculous parade of his own folly and vanity; such an empty display of the wantonness of power; as could only serve to inflame mankind, without securing to either his Royal Master or himself, any solid advantages whatever*.

On the second day after his decoration, he entered the Treasury, with a scourge
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* A few days after this extraordinary transaction, there was, in a periodical paper called The MONITOR, the following singular passage, concerning the Abbot de Bernis, the French minister and Favourite of M. de Pompadour :

“ The exaltation of de Bernis, who was naturally of a very amorous constitution, and seemed to have no other recommendation than his person, and art to please the fair sex, provoked the nobility and gentry beyond all moderation : so that when he was invested with the order of the Holy Ghost, in the chapel of Versailles, there was, during the ceremony, a scroll of paper thrown out of the gallery among the Knights, on which was wrote a French parody, on the hymn called Veni Creator, and is thus translated in the third volume of M. de Pompadour's history, page 52.

Thou

in one hand, and a purse in the other ;
 which by the advice of his *virtuous* asso-
 ciate,

Thou holy spirit, power divine,
 Do thou for France's glory daign
 On this new minister to shine,
 And lighten up his clouded brain.

Of twelve unlearn'd thou heretofore
 Didst raise up miracles to thee ;
 Renew those miracles once more,
 By giving sense to poor Bernis.

His bosom with thy flames possess ;
 On him the love of Heaven pour,
 That he may kiss the ladies less,
 And least of all——La Pompadour.

“ Bernis invested with the rank of a minister, and decked out with a blue ribbon, could not, doubtless, but appear, more agreeable in the eyes of his protectress: and she, never easy, day and night, out of his company, looked upon his athletic constitution, and consummate knowledge in the art of love, to be such superior talents, as made him extremely capable of unravelling the most knotty, and conducting the most arduous affairs of state ; imagining with great reason, that in the course of an administration, which she alone had put into his hands, he would certainly take no step without first consulting her.”

This passage, together with some others less remarkable, which certain great personages pretended to understand, were the occasion of Lord Halifax, then Secretary of State, issuing several warrants, and sending one Carrington, a noted old messenger, with three other messengers, to seize the authors, printers

ciate, were dexterously employed to gratify his wishes, and ruin the nation. The instant that his name appeared in the Gazette, the whole kingdom was filled with alarm. But neither the extreme dislike of the people, nor the credit of — which suffered by this strange conduct, gave him the least concern. Being arrived at the summit of power, the very place to which he had long aspired, he vainly thought the kingdom lay at his feet, and therefore he resolved to play out his farce; that is, to turn out, and put in, at pleasure, until he had completed his wretched plan, of a wretched administration. For

and publishers, (who were severally named in the warrants) of different numbers of the MONITOR, together with their books and papers, and bring them before his lordship for examination. All which being literally executed, except the examination which was taken by the clerks, the persons so arbitrarily and unlawfully seized, were, after being some time in confinement, admitted to bail. But the ministry did not chuse to prosecute this matter in Westminster-Hall, as was expected, most probably fearing, that such a prosecution would carry the appearance of certain persons having so strong a sensibility of parallel cases, that they could not avoid fitting caps to their own heads. The defendants afterwards brought actions against the Secretary and his Messengers, and the juries gave some of them considerable damages.

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this purpose, he collected the refuse of a despicable party, who had for some years formed a club at a coffee-house, and who, having no name of their own, assumed that of the house, and were called, *the Cocoa Tree Club*. During Mr. PITT's administration, these Gentlemen pretended not to be of a party. When they saw that minister and his noble brother abolishing all parties, with a dignity that not only spoke the rectitude of the measure, but the patriotism of their hearts, they affirmed that party no longer existed; and they were received upon that affirmation. But the moment that one of the name of *Stuart* appeared, they attached themselves to him. Indeed this was but natural; if we consider, that many of the club had been in a state of proscription, upwards of fifty years, upon more than a suspicion of disaffection; that since the resignations of Mr. PITT and Lord TEMPLE, they had not scrupled, both within, and without doors, to libel the memory of his late Majesty, because he had ever, upon the justest reasons, doubted

their pretensions to loyalty*. It was likewise not unnatural in a *Stuart* premier, to make

* “ If disinterestedness herself was to draw the negative qualities of the first officer of state in this kingdom, it would be much such a character as had now assumed the reins of government. He was a man that at no time of life had opportunity or inclination of applying to business. When young, he was disposed to gaiety; and though, having been at the close of a session elected one of the sixteen peers, yet by his opposing, right or wrong, all measures of government, was at the next election excluded, and then in disgust retired to an isle in the kingdom of Scotland, where he spent many years in close monastical retirement. This being the prime of his life, in which, most men, after the school of books, enlarge their ideas in the only useful school, the conversation of men, he formed his from theory; became reserved, full of strange prejudices, and unfit for any thing but the tyrannic domain of an Highland clan.

When he returned, as if fate was still making him her sport, one time exalting him, the more completely to depress him in another, he was taken notice of, on an occasion, that no one could have conceived introductory to the prime ministership. The Dutchess of Queensbury having entertained her friends with the play of the Fair Penitent, the part of Lothario fell to the lot of his Lordship, in which he succeeded so much better than in his late performances in the character of a statesman, that he was greatly admired, and particularly by his late Royal Highness Frederick Prince of Wales, who took great notice of this occasional Roscius, and invited him to Leicester House, which

make choice of such men for his ministers ; to whom he added all the other known

which laid the foundation of a connection that I fear England will ever repent. After the death of this excellent Prince, at the settling of the household at Saville House, his Lordship became a great officer, and a great Favourite ; his talents, however unfit for public employ, very deservedly made him amiable to his young master in a private capacity ; his morals were unexceptionable, and he was disposed to arts and artists, though he has ever been directed by national attachments, caprice, or private friendship, and not by a disinterested zeal for real merit. If any doubt these assertions, I appeal to those miserable pictures which disgrace Guildhall. If they boast his judgment in sculpture, I appeal to the new invented figure at the Exchange. If they say he knows more of poetry than an Hottentot does of cookery, I appeal to those unfortunate people who yawned at the execrable Scotch performance, called Agis King of Sparta. But if it should be said, that his private regard for Ramsay, Wilton, and Hume, made him promote them at the expence of his own reputation for taste, I then applaud his good-nature, but cannot acquiesce in his public pretensions, of being a *Mæcenas*.

He was in every respect adapted to the small circle of a coal fire, here his virtues were known, and his sincere attachments made him amiable ; but when viewed in the enlarged light of a minister or *Mæcenas*, were truly ridiculous and contemptible, and the means of bringing those works of genius into disgrace, which he made a parade of promoting. This was the man who became so great a dupe to his pride, vanity, and ambition, and the selfishness of his dependents, that after the expulsion of the ablest and most approved mi-

known Tories, he could pick up. His own board he filled with such as were personally attached to him; and Sir FRANCIS DASHWOOD he made Chancellor of the Exchequer. But his bosom friends “were
 “ three or four persons, whose different
 “ employments, such as, in a Scottish
 “ kirk, in the law, and in the army,
 “ made them wholly ignorant of state
 “ affairs : but their conceit being equal
 “ to their ignorance, they undertook to
 “ assist this upstart pilot.”

With this regiment of Scottish Jacobites, Scottish poets, and a few English Tories,

nistry, this nation ever had, during which there was the greatest union and harmony, ever known, between the people and government, he weakly and arrogantly assumed absolute rule in their stead ; and on the 29th of May 1762, became the prime minister.

Very many were the reasons for the people's being alarmed, particularly this minister was in that situation, which in public and private life has ever been detestable, for he was a *Favourite*. His abilities were doubted. His country, so famed for attachment merely to themselves, made him odious. The people he brought into power with him, were in general truly contemptible : that most important office, the national accountant, was prostituted on a man to whom a sum of five figures, was an *impenetrable Secret*.”

Contrast.

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he stormed all the public offices ; turned out every dependant, relation, and friend of the Duke of NEWCASTLE. The boards of revenue, which ought to be sacred during good behaviour, were not exempt from this inhuman rapine. The fact is, that none were spared, who refused to become his sycophants. In short, one can compare his conduct, on this occasion, to nothing more justly, than to that of an enraged and cruel enemy plundering a town which had cost him some trouble to take. He barred up all avenues to the Royal closet, into which none were admitted, without his permission. This naturally disgusted those, who were too spirited to solicit the favour of his passport ; and together with his strong attachment to his needy countrymen, whom he thrust into all offices, and into all departments, which as naturally disgusted the public at large ; may be said, to have so narrowed his foundation, that it was apparent he had nothing to stand upon, but *corruption* and the *King's favour*.

Con-

Conscious, even previous to his elevation to the Treasury, that his continuance in power, would depend upon his obtaining a peace immediately (for he had not capacity to conduct the war, and one miscarriage might prove fatal to him) he made peace the object of all his politics. And some weeks before the Duke of Newcastle resigned, a number of peers were created. This extraordinary measure, together with some others which attended it, were thus remarked upon at the time.

“ One of the great outlines of the Favourite’s administration, and which was carried to a degree unknown since the reign of Charles the Second, was an open and declared profession of increasing the power of the crown, by creating influence and dependencies upon it, in both houses of parliament. In the year 1711, when the Tories were endeavouring to overturn the Whig administration, that had reduced the power of France so low, and were projecting the infamous treaty of Utrecht, Burnet says, “ They finding the house of Lords could
“ not

“ not be brought to favour their designs,
 “ resolved to make an experiment that
 “ none of our Princes had ventured up-
 “ on in former times ; a resolution was
 “ taken of making twelve peers at once.”

What was the conduct of the present minister under similar circumstances ? He advised the creation of *sixteen* peers, not indeed at once, that would have been too explicit a declaration of his motives, but all in the space of two years ; and not content with this, he likewise advised the giving pensions to a great number of that house, under the denomination indeed of Lords of the bedchamber ; but as the number of those Lords was increased in the present reign, from twelve to twenty-two, the fact is, that, by whatever name they are called, the King has so many more servants in his pay, in that house, and the minister has the rod of deprivation hanging over their heads, which fell most heavily against those, who presumed to exercise their freedom of voting against what he recommended. But, in the other house, and where it is more material,

material, this measure was carried much further : we are informed from history, that, from the time of the Revolution, it has been the characteristic mark of those who opposed any increase of power in the crown, to contrive by laws, and every other method, to prevent the influence of the crown in that house. Several acts of parliament have been passed, to limit the number of officers, who received their places from the crown, to have seats in the house of commons, and one particularly during the Whig administration of Queen Anne, which declares, that no person possessed of an office, created after such a period, should be capable of a seat in that house : and this was afterwards enforced by another of the first of George I. that restrained persons having pensions during pleasure, from sitting in the house of commons. These laws were passed in order to be a restraint on the crown ; they are now in force, and mean to provide for the liberty of the people, by preventing the crown from creating a dependence upon

upon it, in its representatives : but, like other human institutions, they were evaded ; when a minister shall presume to advise, in the teeth of these acts of parliament, the creation of such a number of grooms of the bedchamber, clerks of the green-cloth, and other officers of the household, each with a salary of 500 l. per annum, as to be double the number of those of his late Majesty ; and when some gentlemen have been removed from these employments *with pensions*, to make room for members of the house of commons, that the law might be only evaded, not openly violated ; and when we see gentlemen of the first fortunes, and who thro' the two last reigns, prided themselves in their independency, eagerly, and meanly thrusting themselves into this pitiful pension list ; I say, when we consider these things, where is the security of the laws, or upon what principles of the constitution can these measures be defended ?”

Nothing surely could be more absurd and ridiculous than the pretensions and conduct of this mushroom minister. He
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set up the standard of virtue, and made Mr. Fox his Lieutenant General. He said, there should be no parties, and swept the Cocoa Tree, for a ministry. He promised to observe the strictest œconomy, and increased, beyond credibility, the scandalous list of placemen and pensioners.

C H A P. VII.

The Duke of Devonshire dismissed, and struck off the List of Privy Counsellors. Great influence of corruption. Several resignations. A want of unanimity in the resigners. Contrast between Mr. Pitt and the Duke of Newcastle. Briton, North Briton, and Auditor published. Remarks.

GREAT as his influence was, with his Royal Master, yet his absolute power had not hitherto extended to every office and department under the government, therefore he was unhappy while any but his own creatures and dependants were about the court. The Duke of DE-
VON-

DEVONSHIRE continued to hold the office of Lord Chamberlain, which mortified him exceedingly, for two reasons; one was, that his plan was incomplete, while an enemy to the name of Stuart remained; the other was, that the Duke had, and probably did even then, participate of his Sovereign's esteem. Nothing but an exclusive possession of the Royal ear could serve his purposes; therefore any sharer with him in that article, he looked upon as destructive of his plan and principles; consequently he failed not to make use of all his power and influence, to root out so dangerous an enemy. He invaded the Duke's department, disposed of some of the places in his Grace's gift, took every step to convince his Grace, that all authority was from himself alone; and had even the insolence to talk of humbling the Great Lords, who would not acquiesce in his measures. The Duke of DEVONSHIRE, however, was far from acquiescing in either the principles or designs of the Favourite. He had declined assisting at

Coun-

Councils, upon measures which he could not approve; but at the same time, such was his tenderness, that he hesitated greatly about leaving the service of his Royal Master, fearing lest his own great interest in the country, might increase the popular dissensions. At length, however, finding that his presence at court was become disagreeable, and that his resignation was required, he gave up his wand; and the Favourite, in order to make the disgrace of this Great Peer as effectual as possible, had his name struck off the List of Privy Counsellors; which his elbow Counsellor advised, as necessary to prevent any attempt, or even wish, to regain that esteem, which had been considered as so dangerous to his designs: and at the same time to serve for an example to others. Though indeed, there was but little occasion for this latter reason, for never was the venality of the great, and the influence of corruption, so conspicuous, as at this time.

The few, the very few, who had virtue enough to withstand all temptation,
and

and spirit enough to declare their disapprobation of the Favourite, were considered as entering into a state of proscription for life. Their society was avoided by the prostitute herd, who, to support the luxuries and extravagancies in which they delighted to riot, submitted to bow down in the Temple of Rimmon, to prop the ruinous steps, and support the corrupt weight, of an impious, all-grasping Favourite.

Upon the removal of the Dukes of NEWCASTLE and DEVONSHIRE, the state was entirely deprived of all those who refused to become sycophants to the Favourite; for such Noblemen and Gentlemen, as chose to attach themselves to either of those Peers, were dismissed, or voluntarily resigned: yet there were some whom no disgust could force out; these were those who held their places by patent: which gave him such uneasiness, that it was affirmed, he consulted the sages of the law upon the possibility of taking away those patents; and it was added, that the lawyers advised him to do the thing, and try if the law would not justify him.

him. But whether fear, or some other cause prevented him, certain it is, that he did not attempt it.

Although the Favourite's whole attention was fixed upon a peace, any, such as he could get, and the language which his sycophants were taught to hold, was, that we were ruined by our victories, and if the war was not speedily put an end to, we should go on conquering, until like Gaston de Foix, we fell in the field; yet the disgusted personages who had retired from the administration, and the great number of others who were dismissed, did not properly unite, and form themselves into a regular opposition: and to the want of this union is to be attributed the ill conduct which attended all their future measures. From the first moment that the management of national business was taking an injurious turn, there was a want of fidelity among those who had formerly united to support the ministers of their country. The Duke of NEWCASTLE was not at all sorry at Mr. PITT's resignation; on the contrary, it is certain that he secretly rejoiced at that event. His
Grace

Grace having formerly been honoured with the chief management of public affairs, but deprived of it while Mr. PITT was at the helm, he very probably hoped it would revert to him again, upon the resignation of that minister. But his Grace was mistaken ; for in a little time he found he had less power, than even during Mr. PITT's administration. If we therefore take a short retrospect of the true causes of these two resignations, we shall find, that it will explain all that is necessary to convince the reader of this fundamental want of unanimity.

Mr. PITT's ambition was the welfare of his country, and he piqued himself upon doing it great and signal services. When he found he could no longer carry into execution such measures, as he thought most conducive to the interests of the public, he resigned. The motive of his resignation, was therefore as honourable as any thing could be. The Duke of NEWCASTLE's ambition was distributing the good things of the State, thereby creating a number of obsequious

and scandalous dependents, among a set of men who were mean enough to flatter his vanity, when they attended his levee. When he found he could no longer do this, and those whom he had favoured most, began to be ungrateful, he resigned. In other respects too these great men were totally different. Mr. PITT was an enemy to all parties, and all party distinctions ; he submitted the rectitude of his measures, to the public, at large. The Duke of NEWCASTLE had from his youth been at the head of a party, and even in his advanced age, party was both his delight and his support. In short, the views of one were of the most enlarged and noblest kind ; those of the other, narrow and confined to the private interests of his friends. One was an inflexible patriot ; the other a true courtier. They were as opposite likewise in many other points : but the reader has possibly seen enough to convince him that a sincere union, between these great men, was not very likely to happen.

Notwithstanding the most apparent want of unanimity among the great, yet the impar-

impartial, independent public, judged and spoke with a propriety and firmness, that will forever do honour to their natural and true patriotic spirit. While with an unanimous, and unceasing voice, they poured forth their praises of Lord TEMPLE and Mr. PITT, they at the same time, zealously and universally condemned the conduct of the Favourite and his administration : they branded it with every epithet that was expressive of their most sincere abhorrence and detestation. From the first moment that he entered the Treasury, he seemed conscious that his greatest struggle would be with the people, and therefore, on the very day of his appointment, was published by his authority, the first number of a contemptible paper, in his vindication, called the Briton, which was frequently written by his bosom friends. Not having, at that time, met with any regular and formidable attack, nor having yet done one ministerial act in his new office, nothing could be a clearer proof of his folly, weakness, and conscious want of ability, than this absurd conduct. This paper provoked new opponents, and among

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them, one, who gave him more uneasiness, than the hatred of the whole kingdom; this was the North Briton (published the following week) the author of which, attacked him with such intrepidity, and seasoned his satire with such a poignancy of wit, that it was instantly admired and bought up, by people of all ranks. His style was masterly and elegant, his wit and satire truly classical, always exceeding keen, and very seldom gross, which operated incredibly upon the minds of the people. His facts were *always* genuine, and incontrovertible; which gave the paper a character of veracity. His doctrines were strictly constitutional, and his arguments too strong to need any other assistance to convince the public, who were betraying its interests. The first paper was a sufficient specimen of the author's abilities, to alarm the Favourite, who the next week, caused a second periodical paper, in his vindication to be published. This was called the Auditor, written principally by one who had been the advocate of his faithful adviser.

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The *docs* of both Briton and Auditor, however, proved themselves to be wretched advocates ; their style was bad, their facts generally false, their arguments weak and delusive, and their attempts at wit, meer ribaldry. In a word, they excelled in nothing but scurrility and abuse, which indeed they dealt about in such a manner, and against every one who presumed to disapprove of the Favourite, that government itself seemed to be paying for, and setting the example, of attempting to put an end to all order and decency.

Therefore the many books and papers, which afterwards appeared in support of the public cause, admit of a very rational and justifiable excuse. The Favourite and his faction began the spirit of libelling, even before the resignation of Mr. PITT ; and upon that event, were remarkably assiduous in attacking all the great and eminent characters in the kingdom, who had too much honour and regard for their country, to support his destructive measures. For a considerable time, nobody paid any attention to the writings of his advocates ; at least, the personages

attacked did not : but at length, apprehending that the infinite number of scandalous falsehoods, which his writers repeatedly asserted in all the public papers, and industriously propagated by every other mode of publication, might injure their reputations, and weaken that confidence with which they were honoured by the people, as a reward for their spirited and disinterested conduct ; their friends who were best acquainted with all their motives and actions, determined to rescue their characters from the pens of such infamous assassins. Thus began the paper war, which was carried on with great fury, by both sides, for a considerable time. At length the assailants being completely defeated, and grieved and sore to death, resolved to relinquish that mode of fighting, because they found *truth* make so strongly against them, and to take up another sort of more serious and dangerous instruments. They, in a wild and frantic fit of rage and revenge, broke down all the fences of the constitution, arbitrarily seized and confined whom they pleased ; then called in the aid of the crown

crown lawyers, and afterwards, that of the parliament : all which the following sheets will sufficiently shew. Thus they who were one day encouraging and paying writers of the most defamatory libels, the next beat at their own weapons, *under frivolous distinctions*, flying to law; and lest that should fail, to parliament, for the means of suppressing, and punishing, what was only the blessed fruit of their own example.

C H A P. VIII.

The peace made. The Opposition formed. The principal persons dine together. Remark. Attempt to divide the Opposition.

IN the mean time, the Favourite pushed on his work of peace, which the enemy could not be so desirous of granting, as he was of obtaining. The language confidently held at Versailles was, that the Favourite was the only ruling power in England, that he had not capacity to conduct the war, and therefore could not preserve his power, unless he made a peace.

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The arguments which were offered against this peace, the reader will find in all the political publications of that time. However, Mr. LEGGE's opinion of it (delivered a short time after) may perhaps not be unworthy his notice: it was to this short effect. "The union of the whole House of Bourbon, which is replete with reciprocal advantages to both France and Spain, is not even attempted to be broke. The fishery that is granted to the former, will prove to her a mine of wealth. The West India settlements which are restored to both, will immediately, and without any expence, put their commerce upon a respectable footing; and in a short time furnish them with the means for maintaining another war; while before our acquisitions, which require great sums, great improvements, and long time, can be made even valuable at all, we shall have this dance to go over again, with one hundred and forty millions upon our backs."

While the Favourite was madly (if not treacherously) running into the arms of France, for *any* peace, such as the enemy would

would grant him, his virtuous associate was honourably employed in another kind of negotiation at home. The relations, friends, and confidants of almost every man, were industriously found out, and tampered with. Temptations were offered to the vain, the needy, and the vicious, according to their several passions, or wants. All who chose to serve the Favourite, might now have their price. All were invited to a certain pay office, where twenty-five thousand pounds were issued in one day. All, indeed, were not of one opinion, but the *Majority* were. All knew the peace to be the convenient and necessary measure of the Favourite; yet but few disregarded, whether their opposition to it would become an infallible bar to their ever being able to renew their peace at St. James's.

The disgusted party who were lately gone out, because the Favourite did not chuse to accept of their service, were so infatuated with a lust of power, and cast so many longing looks towards the offices from which they had been precipitately driven, that a great number of them slunk
away,

away, when the merits of the Butean preliminaries came under examination. Some feigned sickness, others ran out of town, and many more had not even the shadow of excuse for their scandalous desertion upon this important occasion. But Mr. PITT, to his great honour, although he had been for some time confined to his bed by a severe fit of the gout, came down to the House, and spoke near three hours in this debate. He gave his opinion upon almost every article; some of which he approved, and others he condemned; but his greatest emphasis was laid on what related to the fishery; because, in the negotiation with M. BUSSY, Lord TEMPLE and himself, had contended for the whole exclusive fishery; but in that, as well as in many other things, they were over-ruled: And, upon the whole, he insisted, that the terms proposed, were inadequate to the conquests, and just expectations of the nation. He was so infirm, and so afflicted with pain, that when he could no longer stand, although supported by his friends, he was allowed to deliver the remainder of his sentiments sitting;

sitting; yet he was, by extreme illness, obliged to retire before the division. Mr. Fox (soon after made lord Holland) defended the peace. He had taken the lead in the debate, and with arguments more solid, and better adapted to the feelings of men, and with eloquence more charming, and by facts more powerful, than those made use of by Mr. PITT, he convinced the *majority* of his hearers, that the peace was a very good one.

A LIST of the MINORITY on the First Division, Dec. 9, 1762, against the Vote of Approbation of the PRELIMINARY ARTICLES of PEACE; by which the Havannah, Martinique, Guadalupe, Santa Lucia, Pondicherry, Goree, &c. &c. &c. were agreed to be delivered up to our inveterate enemies, the French and Spaniards.

FIRST DIVISION.

A'Court, Maj. Gen.	Heytesbury
Ancram, Earl of	Richmond
Armitage, Sir George	York City
Ashburnham, William	Hastings
Barrington, Sir John	Newtown Hants
Beckford, William	London
Boulton, Henry Crab	Worcester
Burton, Bartholomew	Camelford
Calvert, John	Hertford
	Calvert,

Calvert, Nicholson	<i>Tewkesbury</i>
Cavendish, Richard	<i>Wendover</i>
Cholmley, Nath.	<i>Aldborough</i>
Cholmondeley, Thomas	<i>Cheshire</i>
Clayton, William	<i>Marlow</i>
Clive, Lord	<i>Shresbury</i>
Codrington, Sir William	<i>Tewkesbury</i>
Coke, Wenman	<i>Oakhampton</i>
Cooke, George	<i>Middlesex</i>
Dempster, George	<i>Forfar, &c.</i>
Dodd, John	<i>Reading</i>
Egerton, Samuel	<i>Cheshire</i>
Fisher, Brice	<i>Boroughbridge</i>
Fitzwilliam, Maj. Gen. John	<i>Windsor</i>
Fonnereau, Philip	<i>Aldborough</i>
Fonnereau, Thomas	<i>Sudbury</i>
Forrester, Brook	<i>Wenlock</i>
Forrester, Cecil	<i>Wenlock</i>
Gage, Viscount	<i>Seaford</i>
Gascoyne, Bamber	<i>Malden</i>
Grenville, Rt. Hon. James	<i>Buckingham town</i>
Hervey, John	<i>Wallingford</i>
Hewett, John	<i>Nottingham county</i>
Holt, Rowland	<i>Suffolk</i>
Honeywood, Frazer	<i>Steyning</i>
Ladbroke, Sir Robert	<i>London</i>
Long, Sir Robert	<i>Wiltshire</i>
Long, James	<i>Marlborough</i>
Mawbey, Joseph	<i>Southwark</i>
Metham, Sir G. Montgomery	<i>Kingston upon Hull</i>
Middlesex, Earl of	<i>East Grinstead</i>
Murray, James	<i>Wigtownshire</i>
Noel, Thomas	<i>Rutlandshire</i>
Norris, John	<i>Rye, Sussex</i>
Onslow, George	<i>Guildford</i>
Popham, Edward	<i>Wilts</i>
Plumptree, John	<i>Nottingham town</i>
Praed, H. Mackworth	<i>St. Ives</i>
Proctor, Sir W. Beauchamp	<i>Middlesex</i>
Pollington, Lord	<i>Shoreham</i>

Powell,

Powell, Harcourt	<i>Newtown Hants.</i>
Rolle, Denys	<i>Barnstable</i>
Savile, Sir George	<i>Yorkshire</i>
Scawen, James	<i>St. Michael</i>
Sergison, Thomas	<i>Lewes, Sussex</i>
Simpson, Sir Edward	<i>Dover</i>
Slingsby, Sir Henry	<i>Knareborough</i>
Staunton, Thomas	<i>Ipswich</i>
Thomlinson, John	<i>Steyning</i>
Townshend, Charles	<i>Great Yarmouth</i>
Triste, Browse	<i>Totness</i>
Vincent, Sir Francis	<i>Surry</i>
Whitmore, Lieut. Gen. Wil.	<i>Bridgnorth, Salop</i>
Walsh, John	<i>Worcester</i>
Willy, William	<i>Devizes</i>
Woodley, William	<i>Great Bedwin.</i>

T E L L E R S.

Campbell, Daniel	<i>Lanerkshire</i>
Wilkes, John	<i>Aylesbury</i>

For the affirmative	—	—	319
For the negative	—	—	65

S E C O N D D I V I S I O N,

Upon the Report of the Address,

Dec. 10, 1762.

Archer, Hon. Andrew	<i>Coventry</i>
Baker, Sir William	<i>Plimpton</i>
Butler, John	<i>Sussex</i>
Burrard, Henry	<i>Lymington</i>
Buller, John	<i>Eastlooe, Cornwall</i>
Cavendish, Lord George	<i>Derbyshire</i>
Cavendish, Lord John	<i>Knareborough</i>
	Dummer,

Dummer, Thomas Lee	<i>Newport, Hants</i>
Fitzroy, Hon. Charles	<i>Bury</i>
Gilmore, Sir Alexander	<i>Edinburghshire</i>
Grey, Lord	<i>Staffordshire</i>
Legge, R. Hon. Henry Bilson	<i>Hants</i>
Lawrence, William	<i>Rippon</i>
Mellish, Joseph	<i>Grimby</i>
Meynell, Hugo	<i>Litchfield</i>
Middleton, Viscount	<i>New Shoreham</i>
Onslow, George	<i>Surry</i>
Pelham, Thomas	<i>Sussex</i>
Poole, Sir Francis	<i>Lewes</i>
Robinson, Hon. Thomas	<i>Christchurch</i>
Shelley, John	<i>East Retford</i>
Townshend, Thomas	<i>Cambridge university</i>
Vernon, George Venables	<i>Bramber</i>
Villiers, Lord	<i>Tamworth</i>
Walpole, Hon. Thomas	<i>Ashburton</i>
West, James	<i>St. Alban's</i>
White, John	<i>Retford</i>
Wilkinson, Andrew	<i>Aldborough</i>
Winterton, Lord	<i>Bramber.</i>

T E L L E R S.

Cavendish, Lord Frederick	<i>Derby</i>
Townshend, jun. Thomas	<i>Whitchurch</i>

For the affirmative	————	————	227
For the negative	————	————	63

The Victory being as complete as the Favourite could wish, he had now nothing to do but to try the force of corruption among the people, in order to obtain another mode

of approbation. The Lieutenants of the counties had begging letters sent to them, entreating them to use their utmost influence towards procuring addresses. The mayors and other magistrates of corporations, the leading men in societies, and every person who had influence enough to collect ten or twelve men together, were all applied to for addresses on the peace. The grave dignitaries of the church extolled the glorious merits of this *blessed peace*. The lawyers upon their circuits, laid aside the law, in their charges to the grand juries, to enlarge upon, and enforce a true knowledge of the great advantages of the peace. In short, no means, honourable or base, abject or forcible, were left untried to obtain these prostitute addresses, in order to confirm a favourable opinion of him who did not deserve it, in that breast, where unhappily it had already gained but too fatal a foundation. Some of the addresses came from counties which never met to consider them, with subscriptions men- dicated from house to house, of such as could be prevailed upon to sign them.

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Others

Others were surreptitiously procured from packed assemblies ; to which those only were secretly invited, whose subserviency to a job was secured, and opposed by others accidentally present. They were, in general, devised and dictated by some Favourite Tool of administration. The seal of the borough of W——, in particular, was put to the address, without the knowledge of more than three of the corporation ; the rest disavowing the felonious act, when discovered. The great county of York, however, refused to address, notwithstanding the sly and cunning efforts of a lawyer. The city of London also refused to address, notwithstanding the private assurances of fourteen thousand pounds to compleat their bridge. As did likewise the county of Surry, and other places.

The voice of the honest independent public was clear and strong against the terms of peace. They condemned it with firmness, temper and judgment, which gave spirit to that part of the opposition, which had little virtue of their own, and derived what they afterwards pretended
to

to from the example of the people. Finding their own insignificance, and still perceiving who were highest in esteem with the public, they solicited an union with those who had resigned on account of late measures. The established reputation and unshaken popularity of these truly honourable persons, convinced them, that it would be folly to attempt an opposition without the sanction of their names at the head of it; which was indeed the only step they could take to save their own from contempt and obscurity. The principal persons having consented to a coalition, they frequently dined together at each other's houses. The first dinner was given by the Duke of NEWCASTLE, about the middle of March, 1763; at which were present the Dukes of DEVONSHIRE, BOLTON, and PORTLAND; Marquis of ROCKINGHAM; Earls TEMPLE, CORNWALLIS, ALBEMARLE, ASHBURNHAM, HARDWICKE, BESBOROUGH; the Lords SPENCER, SONDES, GRANTHAM, and

VILLIERS ; Mr. PITT, Mr. J. GREN-
VILLE, and Sir George SAVILE.

This union is to be considered as the beginning of the opposition ; for until it took place, there cannot be said to have been any regular and proper opposition formed. And this public meeting, and the rest which followed, of which there were several, consisting of the principals, were to assure their friends, and the public, that at length an unanimous and firm resolution was taken, to attempt the deliverance of the nation from Scottish oppression.

When the news of this union reached the Favourite, he began to entertain thoughts of retiring. His elbow counsellor endeavoured to divide the opposition. By the assistance of other persons, he tampered with one, cajoled with another ; and, with one noble personage, he carried on a negotiation to nearly the time of his death. The Favourite judging of all the opponents, by some of the most worthless, which he had the happiness to know, and thinking that their object was indubitably power, he made an attempt to
draw

draw off the popular few, by offering to make an opening for them to return to the administration. But they spurned, with a spirit of indignation, the insult offered to their integrity; and refused, with a firmness that was worthy of being an example to others, to desert their friends, and betray their country.

C H A P. IX.

The Favourite's loan. The North Briton's account of it. Mr. Legge's opinion of it.

TH E Favourite's *public* administration is distinguished by only two transactions more: one is, *his* most scandalous and unjustifiable profusion in negotiating the loan of 3,500,000 l. for 1763; and the other, the wanton and unnecessary extension of the Excise Laws, in laying a new tax upon cyder and perry.

The North Briton, whose spirited writings kept the Favourite in perpetual alarm, has stated the first in a manner too true, and the whole is too remarkable to be omitted here.

“ The terms of the new subscription have been so injurious to the public, but

so beneficial to the subscribers, that is, to the creatures of the minister, that there was immediately an advance of seven per cent. and in a very few days of above eleven per cent. I shall, however, only state it at the even, round sum, of ten per cent. that I may not puzzle the chancellor of the exchequer. The whole loan amounted to 3,500,000*l.* consequently, in a period of a very few days, the minister gave among his creatures, and the tools of his power, 350,000*l.* which was levied on the public; the most enormous sum ever divided in so short a time among any set of men. A few of their names I will mention, to shew in what estimation they are held by the public: Messieurs Touchet, Glover, Cust (brother to the able and impartial Speaker) Amyand, Maygens, Salvador, Colebrooke, Thornton and Muilman, had each 200,000*l.* of the new subscription, and, of course, almost immediately cleared 20,000 each, which they have, or have not, shared among their friends. In this instance, however, I dare say, the public will experience

perience no stoppage of payment. Such bargains are more likely to bring a nation, than the proprietors themselves, to bankruptcy. In a lucrative ministerial job of any kind, it was impossible the name of Mr. Fox could be omitted. He had 100,000*l.* that is, 10,000*l.* clear profit. What the jackall had, I know not; but Mr. Calcraft (not in Mr. Fox's name) had upwards of 70,000*l.* that is the gift of 7000*l.* Mr. Drummond, a Scottish banker (to whom his countrymen, while his shop continued open, had such obligations in 1745) was gratified with 72,000*l.* or, in other words, had 7200*l.* given him. I hope that this *douceur* is really meant for Mr. Drummond, and not the minister's poor, distressed cousin, and namesake, at Rome. The Governors of the Bank, Robert Marsh, Esq; had 150,000*l.* to keep the gentlemen there in good humour; and to preserve his own good humour, 50,000*l.* Lewis Way, Esq; Sub-governor of the South-sea, had the same sum, for the same purpose. Such *douceurs* were given

to such persons, when gentlemen of the first monied property in the kingdom, who had subscribed the largest sums in all the exigencies of government, during the two last wars, and who were of known affection to the Brunswick line, were refused any share ; and the reason given to some, was, *you are no friends of the minister.*

“ This enormous sum of 350,000l. ought to have been saved to the public. It undoubtedly might have been, if a fair bargain had been made by honest and intelligent stewards of the public, free from any disposition, or at least any resolution, to buy friends in so shameful a way with the nation's money. The sum is very near one shilling in the pound of the land-tax, which the zealous, fond, believing, obsequious, confiding, supporting, acquiescing, bearing and forbearing country gentlemen ought, among their stipulations with the minister, to have saved the nation. The public would then have had one obligation to their ministerial zeal, and some amends made for their scandalous prostitution. Had there
been

been the least attention to œconomy, we see this saving might have been made. If the shilling in the pound had not been taken off the land, the odious tax on cyder, in its present oppressive mode, would have been totally unnecessary ; but the excise laws seem to be the favourite laws of the new minister, and his chancellor of the Exchequer declared with a perspicuity, of which only that one head is capable, *that he was not for an EXTENSION of the Excise-laws, but for an ENLARGEMENT of them.* If there can be any meaning couched in such barbarism, it should seem that the hydra of Excise is now to reach where its cruel fangs never did before. After the monster of Excise had been so long kept tame, this chancellor of the Exchequer, I should imagine, is ordered to enlarge his claws, and then another is to come to extend his accursed dominion through the land. Yet (not to deviate from his happy *patavinity*) all the *whole total* is *any thing for peace and quietness sake* ; and at this time we must be content to take the thing *rough as it runs.*

“ I de-

“ I desire likewise to state the case of the lotteries, and of the gross impositions on the public, by that part of the late bargain. Lotteries have always been objected to, as promoting the spirit of gaming, so peculiarly pernicious to a commercial country. The necessities of government, during the two late wars, forced this measure: I mean of a lottery; but this year, the year of peace, we are to have two lotteries. To make this scheme as chargeable as possible to the public, and creative of more jobs, as well as longer to keep up the spirit of gaming, the two lotteries are to be drawn at two different times of the year. A minister who had really any love of œconomy, would have made the tickets duplicates of each other, and have saved one half of the expence to the public. The Earl of BUTE chuses to parade about œconomy, at the very time he is practising the most unjustifiable profusion. In former years the interest on the lottery annuities commenced a year after the bringing in the scheme, and was only three per cent. In this frugal

gal Scottish administration, it commences almost with the first payment, and is four per cent. I must observe how very unnecessarily, and even wantonly, this was done ; for experience convinces us how little attention is paid, by the purchasers of lottery tickets, to the rate of interest accruing on them.

“ The creditors of the public, for navy, transport, victualling, and ordnance services, have at least as much merit with the nation (whom they trusted without the security of a fund, and in dangerous times) and as strict a right to justice, as the new creditors of this loan advanced in the days of peace. To the former the minister has thought it just to give a bare four per cent. redeemable at pleasure, to commence from next Lady-day. To the meritorious subscribers to the loan, interest commences upon the whole from the first payment, together with two lottery tickets for every 100l.

“ An *open* subscription has ever been deemed the fairest and most economical method of borrowing money for the public.

lic. In times of war and public distress, government, for greater security, has been obliged to have recourse to the other more confined mode, though subject to partiality, job, and influence. In these days of peace and affluence, is there a man who doubts that an *open* subscription would have been filled as soon as made public, even with an overflowing of millions? But in this case the hungry harpies of the minister had not feasted on the vitals of their country."

To the opinion of the North Briton we will add that of Mr. LEGGE, declared immediately upon the first appearance of this infamous transaction. He said, " That, as to the bargain, he
 " thought it a bad one; for that the
 " Treasury themselves, in the disposition
 " they had made of the navy bills and
 " ordnance debentures, supposed the re-
 " deemable four per cent. to be at par;
 " that the premium, therefore, upon
 " this bargain, would be whatever the
 " rage for play (when the gamesters
 " would think they were come for the
 " last

“ last time to the table, and with a great
“ deal of money in their pockets) should
“ induce them to give for lottery tickets.
“ This might go, especially upon two
“ lotteries, to two or three pounds, or
“ more, per ticket; and then they would
“ give four, five, or six per cent. pre-
“ mium, for raising, at four per cent.
“ at par, which was enormous.”

The next day he further remarked,
“ That it was very possible, while so
“ material an alteration between the
“ preliminaries and the definitive treaty,
“ as the East India article, was depend-
“ ing, it might make signing the de-
“ finitive treaty very doubtful, and con-
“ sequently affect the stocks. But to
“ what purpose (he asked) is the head
“ of the treasury of the cabinet council,
“ and admitted to the knowledge of fo-
“ reign affairs, but to form his domestic
“ conduct upon that knowledge? and,
“ therefore, Why was so improper a sea-
“ son pitched upon to make the loan?”
This occasioned Mr. Fox to declare,
“ That the treasury knew the definitive
“ treaty

“ treaty was signed at the time of mak-
 “ ing the loan ; and, at the same time,
 “ to express his wonder at the folly of
 “ mankind, to give four or five pounds
 “ for leave to toss up for ten.” In answer
 to this, Mr. LEGGE said, “ That if the
 “ treasury knew of the definitive treaty’s
 “ being signed, they were inexcusable in
 “ not having brought their loan to an
 “ open subscription, which was the only
 “ sure way to take a test of the temper
 “ and folly of the market ; and might,
 “ at such a time, and for so small a sum,
 “ have been done with safety.”

C H A P. X.

*The Excise upon Cyder. History of Excise.
 Proceedings of the City of London : Of
 both Houses of Parliament. Tampering
 with the City. A remarkable falsity de-
 tected. Ineffectual opposition.*

THE experience of former times
 shews, that the Excise laws origi-
 nally, and every extension of them after-
 wards, have always met with great op-
 position

position from the people of England ; and have, sometimes, occasioned the ruin of those Statesmen who have either introduced, or attempted to introduce them : therefore, it is not a little surprizing, that a minister so exceedingly unpopular as the Favourite was, should have the temerity to hazard a measure so extremely opposite to the genius of the whole English nation, and to the true spirit of the old English constitution : all which he could not but know, and, as a first minister, ought to have been *well* acquainted with : for a great minister (such as the Favourite was pretended to be) will always consider the temper of the people, and set the example of former times before him, previous to his taking any step which can be said to be in imitation of them. But whatever were his motives, certain it is, that finding the public odium increase on all sides against him, some of his friends declared, while this bill was in agitation, that as soon as it should be passed, he would relinquish his public character of minister.——Per-
haps

haps the best vindication of him in this measure, is, that he was determined to finish his administration as he had begun it; that is, like a true Stuart; for the Excise was the darling of the Stuarts: they imported, nursed, and adopted, this Favourite Son of Tyranny; and it is to them we are beholden for the ravages which this destructive monster has made of our Liberties.

A short history of the Excise may not be improper in this place, which, on many accounts is interesting, and from which even ministers may draw an useful lesson.

The Excise was a project sent from Italy to King James, in the year 1618, as a compleat plan of revenue and power. He adopted it; but on proposing it to his Privy Council, was dissuaded from it. His successor, Charles I. took it up in the year 1628, and issued a commission of Excise, accompanied with a *secret* levy of troops abroad, to secure its success; but it was discovered by Parliament, opposed, and after some struggle, in which the Parliament *voted* all those who were friends to
that

that Excise, " Enemies to the State, and no true Englishmen." The King was forced to give it up; and they soon after impeach'd the Duke of BUCKINGHAM for Excising them. After the troubles began, the Parliament itself established an Excise by law in 1643. It made the people uneasy, so that Parliament promised by the Judges on their Circuits, in 1645, that it should be taken off as soon as the urgency of the war was over. Soon after the court of wards and liveries was abolished, and the Excise was likewise *restrained to Victuallers*. Some attempts were made in the Protectorate to extend and perpetuate the Excise, but they came to nothing. At the Restoration in 1660, it was proposed to give the Crown the Excise, *restrained to Victuallers*, in lieu of wards and liveries, and knight service. This, however, was much opposed, and it was proposed rather to fix and regulate the old powers of that feudal Court; but the Court had a mind to the Excise, and carried it, *though restrained*, but

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by

by two, viz. 149 to 151. In the course of this bill, an artful attempt was made to extend the Excise to private houses, under the pretence of levying a duty on the makers of cyder and perry; but the Parliament perceived the snare, and, on the question, rejected the proposal. The Excise has ever since been confined to Traders and Victuallers. Sir Robert Walpole's extension of it to the Customs, was opposed as a precedent that might bring it to private houses. Sir Robert proposed, as a remedy, to regulate the powers of Excise, by an appeal; but this did not satisfy, and having confess'd the grievance by proposing a remedy (the opposite party too being strong) he was forced to drop it; and thus it continued till the present scheme. This was first brought in as a scheme of supply, without extending the Excise, confining the duty, which was much heavier than what was afterwards fixed by the act, to the Victualler. This the country gentlemen did not relish, and the court seeming to

to attend to them, changed the mode, extended the Excise to private houses, and lowered the duty *.— The country gentlemen seeing the tax lowered, seemed not to regard the power of the Excise, till they felt it, and then in vain, or not in earnest, opposed it.

One thing, however, must be acknowledged, that the bill was hurried through both houses with such remarkable and singular dispatch, that there was not time for the sufferers to petition and remonstrate against it. But the city of London immediately met in the Guildhall, and with a spirit of liberty deserving the highest commendations, unanimously determined to present petitions to the three branches of the legislature, against a bill which they could not but consider as an invasion of the natural rights and privileges of their fellow subjects. The pro-

* The original plan, was ten shillings on the *retailer*, then on the *first buyer*, and next four shillings on the grower; and this last was only pitched upon after the bill had half passed the house, having gone thro' the committee.

ceedings of the city the reader will see in the note *.

In the House of Commons the bill was sharply contested, and there were no less than six divisions upon it. However, all proved ineffectual. The bill was sent up to the Lords. The day of the second reading, the petition from the city of London was presented

* *At a Court of Common Council, held in Guildhall on Tuesday the 22d of March, 1763, the following representation of the Lord Mayor, Aldermen, and Commons of the city of London, to their Representatives, in relation to the original bill for laying an Excise on Cyder, &c. was agreed to.*

“ THIS court cannot forbear expressing to you their surprise at the precipitate progress which has been made in a new attempt towards a General Excise.

“ The extension of Excise laws into private houses, whereby the subject is made liable to a frequent and arbitrary visitation of officers, and the judicial determination of commissioners removable at pleasure, is inconsistent with those principles of liberty, which have hitherto distinguished this nation from arbitrary governments.

“ An attack upon the liberty of the subject, made so immediately after a glorious and successful war, and at a time when we had just reason to expect to enjoy the blessings of peace, demands your serious attention.

“ And this court doth remark, that whatever may be the necessity of the times, the smallness of the sum indicates that cannot be the only motive to so extraordinary a measure.

“ For

presented against it by Lord TEMPLE. At the same time the Favourite was told, by his friend Sir JOHN PHILLIPS, who said he had been informed by Sir RICHARD GLYNN, that there was another petition ready

“ For these reasons, this court doth most earnestly recommend your constant attendance in parliament, and utmost endeavours to oppose every enlargement, and extension of the powers of Excise, and that you do not conceal from the public any such attempt, nor suffer yourselves to be amused by any plausible alteration in the bill, subjecting the makers of cyder and perry to Excise laws.”

After which, a motion was made, and the question put, That it is the opinion of this court, that a petition be prepared to the honourable House of Commons, against so much of a bill now depending in that honourable House, for granting to his Majesty an additional duty on wine, cyder and perry, as relates to the subjecting the makers of cyder and perry to the Excise laws. The same was unanimously resolved in the affirmative.

Whereupon this court doth nominate and appoint

A L D E R M E N,

Sir Thomas Rawlinson, Sir John Cartwright,
Sir William Stephenson, Samuel Turner, Esq;

C O M M O N E R S,

Mr. Deputy Francis Ellis, Mr. Samuel Freeman,
Mr. Deputy Rob. Wilson, Mr. Deputy Jn. Morrey,
George Bellas, Esq; Mr. Arthur Beardmore,
Mr. Henry Major, Mr. John Newcombe,

To be a committee to prepare the said petition, who having withdrawn, returned, and presenting a draught

ready to be presented to the King. Wounded to the quick by a resolution to carry the voice of the people to the throne without his intervention, he directly sent Sir JOHN PHIL-

of a petition, the same was unanimously agreed to in the following words :

*To the Honourable House of Commons of Great Britain
in Parliament assembled.*

The humble petition of the Lord Mayor, Aldermen, and Commons of the city of London, in Common-Council assembled,

Sheweth,

THAT your petitioners have observed, by the votes of this honourable house, that a bill is now depending for granting to his Majesty an additional duty on wine, cyder and perry; which bill, your petitioners have been informed, subjects the makers of cyder and perry to the laws of Excise.

That your petitioners, with the deepest concern, cannot help considering this unexpected proceeding as preparatory to a general extension of those grievous laws; for when new orders of men, by situation and profession distinct from traders, are rendered objects of the Excise laws, the precedent is formidable, not to commerce only, but hath a fatal tendency, which your petitioners tremble to think of,

That as every attempt to enlarge the dominion of the Excise must awaken your petitioners fears, it will also justify their dutiful representations to this honourable house, the guardians of liberty.

That after all the burdens so chearfully borne, all the hardships so patiently endured, and all the blood so freely spilt in support of the late just, glorious and successful

PHILLIPS to assure the several gentlemen of the city committee, who were at that time in the lobby, that if they would stop their petition to the King, L. B. would pro-

successful war, your petitioners most humbly hope, that the meritorious subjects of this country may not feel the extension of excise laws amongst the first fruits of peace.

Your petitioners therefore most humbly pray, that so much of the said bill, as subjects the makers of cyder and perry to the powers of excise, may not pass into a law.

And your Petitioners shall ever pray.

This petition not having the desired effect, another court of Common-council was held on Monday the 28th of March, 1763, when a motion was made and unanimously agreed to, That it is the opinion of this court to present an humble petition to every branch of the legislature, before whom the bill, subjecting the makers of cyder and perry to excise laws, shall depend.

Whereupon the same persons who had drawn up the former petition were appointed to be a committee to prepare two more, one to the House of Lords, and the other to his Majesty; except Mr. Alderman Blunt, and Mr. Deputy Long, who were chosen in the room of Mr. Alderman Turner, and Mr. Deputy Ellis.

The committee having withdrawn, returned, and presented the draught of a petition to the right honourable the House of Lords (which was in the same words as the petition to the House of Commons) and the same was unanimously agreed to. They also pre-

promise, that the act should be repealed next year. Upon which one of the Committee said, Who can undertake for L. B's being Minister next year; or for his having the same influence then, as now? Therefore they instantly despised such a wretched and invidious attempt, to dissuade them from their steady and laudable purpose, and declared, they would not trust to L. B's

presented a draught of a petition to the King's most excellent majesty, which was agreed to in the following words:

To the KING's most excellent Majesty.
The humble petition of the Lord Mayor, Aldermen,
and Commons of the city of London, in Common
Council assembled,

Most humbly sheweth,

THAT your petitioners are fully convinced, that the collecting the duties intended to be laid upon the makers of cyder and perry, by way of Excise, is not, nor can, in many instances, be so regulated, but that it will occasion numberless difficulties and questions.

That the method of trial and decision of Excise disputes are founded only in necessity, being in their nature arbitrary and inconsistent with the principles of liberty, and the happy constitution of your Majesty's government.

That the exposing private houses to be entered into, and searched at pleasure, by persons unknown, will be a badge of slavery upon your people.

That

L. B's promise; and firmly assured him of their fixed intention to adhere to their resolution if the bill should pass. In the evening a card from Mr. JENKINSON, at that time L. B's Secretary, was brought to Sir JAMES HODGES, Town-Clerk of the city, desiring him to come next morning to L. B's in South Audley-street. Sir JAMES obeyed the message, and was in-

That your Petitioners, firmly confiding in your Majesty's gracious favour, and filled with a most humble and grateful sense of your paternal affection for your people, most humbly beseech your Majesty to protect their liberty, and to keep them happy and at ease, free from the apprehension of being disturbed in their property; by which your Majesty will erect a lasting monument of your goodness in every house in the kingdom.

Your petitioners therefore most humbly implore your Majesty, that you will not give your royal assent to so much of the bill, as subjects the makers of cyder and perry to Excise laws.

And your Petitioners shall ever pray.

This last petition was complained of, as unconstitutional; and in some measure it certainly was, for it solicited the King to withhold his consent to only a *part* of the bill, which he could by no means do; for he is not invested, by the constitution, with any power to make the least alteration in either public or private bills; he must either pass or reject them *wholly* as they are laid before him.

roduced

introduced to the Minister by his Secretary. The Minister desired he would go and acquaint the gentlemen of the committee, that if the petition to the King was not presented, he would promise to get the act repealed next session. Sir JAMES immediately went to several of the gentlemen, and collected as many as he could to his office in Guildhall; where he told them what had passed between the Minister and himself: but they despised and laughed at the tale, assuring him it was only a repetition of what had been said to them the day before. A short time after Lord TEMPLE happened to take notice of these secret and scandalous tamperings with the city. Upon which, the Favourite got up and assured his auditors, upon his honour, that he had never promised directly, nor indirectly, his endeavours to procure a repeal of the cyder act, if the city of London would withdraw their petition to the King against passing it; and that the whole of such report was a factious lie. This assertion was considered as going so very strong against Sir JAMES HODGES,

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that

that doubts began to arise whether he had not been too *officious* in his late conference with the Minister; and a court of Common-council was called to make enquiry into his conduct. At this enquiry, which was upon oath, the above facts appeared to the entire satisfaction of all present; which clearly shewed *who was the liar*.

In the House of Lords, also the bill underwent a very severe animadversion. On the second reading the following protest was entered.

Die Lunæ 28 Martii, 1763.

THE order of the day being read for the second reading of the bill, intituled, An act for granting to his Majesty several additional duties upon wines imported into this kingdom, and certain duties on all cyder and perry; and for raising the sum of three millions five hundred thousand pounds, by way of annuities and lotteries, to be charged on the said duties;

The said bill was accordingly read a second time.

And it being proposed to commit the bill :
The

The same was objected to.

After a long debate thereupon

The question was put, Whether this bill shall be committed ?

It was resolved in the affirmative.

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Proxies,	1	
Dissentient.		

1st. Because we conceive there would have accrued less detriment to the public by rejecting this bill, than by agreeing to it ; since it would have been easy, had the bill been rejected, to have provided the necessary supplies by some other ways and means less dangerous to the public Liberty than the extension of the laws of Excise, over new orders of men, who, by mere ignorance and inadvertency, may be subjected to the severest penalties for things done in the common, ordinary, and necessary management of their farms.

2^{dly}. Because blending distinct matters in the same money-bill, lays this House under the utmost difficulties ; since the alteration made by this House, to any parts

parts of such bill, may be an unavoidable obstruction to other parts of it, less liable to objection, and requiring greater expedition and dispatch: and we conceive, that to tack unto such a bill, matters, which, for many reasons, ought to be kept separate and distinct, is destructive of all freedom of debate and all due deliberation, unparliamentary, highly derogatory to the privilege of the Peers, and may be of dangerous consequence to the prerogative of the crown.

3dly. Because we apprehend that such parts of the said bill as extend the laws of Excise over the makers of cyder and perry are not only injurious to the Liberties of the subject, but particularly offensive to the dignity and privilege of the Peers; since their houses may be visited and searched, and they themselves may incur the penalties of this bill, to be levied upon them by Justices of the Peace, and Commissioners of the Excise: we are therefore doubly called upon to dissent from the passing of this bill, by a due and just sense of the dignity and privilege of the

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the Peerage, and by a tender regard to the liberties and properties of the people, of which this House hath been always esteemed the hereditary and perpetual guardians.

4thly. Because when we consider the great number of families, over whom and their posterities the laws of Excise are extended by this bill, the incapacity of farmers to comply with it, not only in respect to their ignorance, but to the nature of their business; the heavy penalties imposed for involuntary offences; the summary and arbitrary method of trying and determining those offences, and of levying those penalties; the great and expensive increase of officers to be employed in collecting an inconsiderable and very uncertain revenue; and the influence of those officers, which, in critical times, may be employed to the worst of purposes; we cannot but be most seriously alarmed at a stretch of power, so wide, so unnecessary, and so unconstitutional.

Foley,

Oxford and Mortimer,

Willoughby de Broke.

On

On the third reading, which was only two days afterwards, there was another division, and a second protest, the following were the Lords in the Minority :

Dukes of Grafton, Bolton, Devonshire, Newcastle and Portland.

Marquis of Rockingham.

Earls of Suffolk, Plymouth, Oxford, Ferrers, Dartmouth, Bristol, Ashburnham, Temple, Cornwallis, Hardwicke, and Fauconberg.

Viscounts Torrington, Folkestone, and Spencer.

Lords Abergavenny, Willoughby de Broke, Ward, Foley, Ducie, Monson, Fortescue, Archer, Ponsonby, Walpole, Lyttelton, Sonds, Grantham, and Grosvenor.

Bishops of Ely, Hereford, Worcester, Lichfield, Norwich, Lincoln, Chichester, St. Asaph, and Oxford.

And the following protest was entered:
Dissentient.

1st. Because by this bill our fellow-subjects, who from the growth of their own orchards make cyder and perry, are subjected to the most grievous mode of
Excise;

Excise ; whereby private houses of Peers, gentlemen, freeholders, and farmers, are made liable to be entered and searched at pleasure. We deem this to be not only an intolerable oppression, affecting private property, and destructive of the peace and quiet of private families ; but, to use the words of one of the first gracious acts of liberty, passed by our gracious deliverer, King William the third, repealing the hearth money, “ a badge of slavery.”

2dly. Because we think we owe it to our countrymen, who have so chearfully submitted to the great load of taxes, which have been found necessary, in support of a just, prosperous, and glorious war ; by every means in our power to mark our high disapprobation of the terms upon which three millions five hundred thousand pounds have been borrowed on this loan, without any material alteration since in the state of the public credit ; an enormous profit of above three hundred and fifty thousand pounds is already made by such persons as have been favoured with shares in this private

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vate subscription. We apprehend that, in time of peace, an open subscription had not only been the fairest, but the cheapest method of borrowing any sums, which the necessities of the public might call for. It appears to us, by the votes of the House of Commons, that on the 8th of this instant, March, this bargain was first consented to by them; whereby a redeemable annuity of four per cent. is given to certain persons, who offered to advance this loan. No less than two lotteries in one year, are now, for the first time, without any urgent necessity, established in the days of peace, to the no small excitement of the pernicious spirit of gaming, which cannot be too much discountenanced by every state, governed by wisdom, and a sober regard to the morals of the people. Two lottery tickets, bearing four per cent. interest, from the 5th day of April, 1763, are allowed, at ten pounds each, to every subscriber of eighty pounds: whereas, interest at three per cent. and that to commence only in a future year, hath been given upon former

I lotteries,

lotteries, during the highest exigencies of the public; at a time too, when there was in contemplation a loss of no less than thirty per cent. upon every blank and every prize; and when no less a sum than twelve millions was borrowed for the service of the government. On the 8th of this instant, aforesaid, and for several days preceding, the general price of stock was very much upon an equality with that which they bear at present; nor hath any considerable variation happened in the great three per cent. and four per cent. annuity funds since that time. The redeemable annuity, exclusive of the profit so certainly to be made upon the lottery tickets, sells at a premium of two and a half per cent. and the advantage made upon the whole loan, including that on the lottery tickets, is from ten to eleven per cent. clear profit; whereby an exorbitant gain arises to individuals at the expence of the public.

For these cogent and unrefuted reasons we have thought it incumbent upon us to withstand, at the outset, such alarming
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proceedings; so repugnant to the principles of œconomy, and to the spirit of liberty; and by this solemn testimony to declare, that we are determined, upon all occasions, to endeavour to protect, as far as in us lies, the meanest of our fellow subjects from oppression of every kind.

Temple,
Bolton,
Fortescue.

This was the first time the Lords were ever known to divide upon a money bill.

The arguments made use of in support of the bill were briefly these, That there had been many years a considerable duty on malt, which had been lately encreased; that at the same time the inhabitants of the cyder counties, and those who had opportunities of buying immediately from the grower, drank cyder and perry as the substitutes of malt liquor, without paying any duty at all: and that there was a very high tax upon beer, and very small one upon cyder. This way of reasoning was certainly captivating, because a proposal for equality carries with it its own

recommendation. It was acknowledged, that the Excise was a grievous mode of taxation, but it was affirmed to be the best for the revenue for many obvious reasons : and that the other branches of Excise were far more grievous. And, in particular, a kind of parallel was drawn between the Cyder-maker, the Hop-grower, and Maltster: “ The first had a liberty of compounding for two shillings an head ; after which neither his house nor even orchard could be entered by any officer, except as any other private house in the kingdom may, by oath of a suspicion of smuggled goods. The Compounder too had a right to sell cyder, upon sending for an officer to gauge what he wanted to dispose of ; and such an officer durst not enter any place but where he was directed, being obliged to gauge it at his street-door if the Compounder ordered him. How different is the case with the Hop-grower and Maltster ! They are both exposed to a *survey* : The former, whether he sells or not ; and the latter is not allowed to sell, even though he compounds, without

without entering himself as a dealer. The Grower of Hops has often his very bed-chamber visited by an Exciseman; for the poorer sort of farmers are obliged to dry and weigh their hops in their own houses. Another advantage which the Maker of Cyder enjoyed, was, that he might, if he thought proper, only enter himself while his cyder was making, and have had the whole quantity charged with the duty; after which he might have withdrawn his entry, and the officer could have had no further right to come near him, 'till he renewed it the following year."

These arguments prevailed, and the bill received the royal assent. Without doors some of the best advocates of the administration, confessed the act to have been *precipitate* and *impolitic*. Pretty heavy charges against a tax, which ought to have been contrived with *deliberation* and *wisdom*! Certain it is, that the discontents which it produced in the cyder counties, seemed to threaten the internal peace of those parts; and government was so seriously alarmed by the probability of po-

pular tumults, that they immediately ordered several bodies of troops to march towards the different scenes of expected disturbance, and there to form a line of some hundred miles in length, in order to prevent any breaches of the peace, and to enforce the execution of this unconstitutional law.

C H A P. XI.

The Earl of Bute resolves to resign. Again attempts to divide the Opposition; is foiled. Promises never more to interfere in Public Affairs. Provides for his relations. Resigns; and retires. The Lords Le Despencer and Holland created. Remarks on Lord Bute's disinterestedness.

THE ferment which the new Excise law occasioned among the people, added to that which had already been raised by the other measures of the Minister, so apparently endangered his situation, that he prudently resolved to retire from the storm, which indeed seemed to be gathering thick over his head, and to threaten

threaten his destruction. He found almost the whole English nation so incensed against him, that, in all probability, he considered it much better to resign, than, by a continuance in office, to persevere in provoking the resentment of the people, whose indignation he had already experienced* ; and whose rage might, one day or other, prove fatal to him. However, it must be acknowledged, that the public hatred was in some measure incited, and to a very great degree increased, by the political writings against him: particularly and principally, by the paper called *the North Briton*, which for four and forty weeks so closely pursued and persecuted him, that it may, with the strictest justice, be said, he fell a sacrifice to the in-

* He received two remarkable instances of this ; the first was as he was going to the Lord Mayor of London's entertainment at the Guildhall, when, although he was escorted by a number of Prize-fighters, yet he was attacked by the populace, his guard put to flight, his carriage broke, and himself very narrowly escaped the stroke of a club : the other was, as he was going to the Parliament House, when the civil power preserved him.

trepidity, wit and satire of that ingenious and public-spirited writer.

As soon as the Excise law had received the Royal assent, the Minister began to make preparation for his resignation. His first care was to provide successors; and in this he attempted to imitate the conduct of Sir Robert Walpole, who, previous to his resignation, had tampered with and found means to divide the opposition, and to compose an administration of only such as he could trust. But the Earl of Bute did not find, among the leaders in the opposition in 1762, the same disposition for places which Sir Robert had experienced among the foremost of his antagonists in 1742. The former were those who had abhorred that desertion at the period of its appearance, and had too much honour to be guilty of that crime themselves, which they had so severely stigmatized in others. It is true, there were several persons of high rank and great parliamentary interest in the opposition in 1762, who would gladly have accepted the Favourite's offers; but

but he rightly considered, that these, abstracted from their friends, were of no estimation with the public. Having therefore met with a refusal from the men of consequence, he, for a time at least, cast aside all thoughts of the opposition, and determined to try another set; which were no other than the principals of those who had supported him in office. These he found were ready to advance to the intended vacancies, upon condition that, after their appointment, he did not in any manner whatsoever, interfere in any of the departments of government. This he most solemnly promised to observe. Their motive in extorting that promise, was founded on a desire of establishing an independency, which they considered as absolutely necessary, in order to give permanency to their administration; for they knew the fickleness and changeable disposition of the Favourite, and that without such an assertion, which was intended to denounce the truth of their stability, they should be deserted by a great part of their parliamentary strength; and in order to
make

make this part of their foundation the more secure, they claimed the assistance and support of his friends in Parliament, who, upon that condition, were to remain in their offices, or be removed to others, at least as good. To all this he agreed ; and when every thing had, to all appearance, been finally settled, he resigned on the 8th day of April, 1763, after a short reign of only ten months and ten days *. Sir Francis Dashwood, his Chancellor of the Exchequer, was created

* A few days before his resignation the following promotions were made :

James Stuart Mackenzie, brother to Lord Bute, Keeper of the Privy Seal in Scotland, 3000 l. a year.

Alexander Frazer, Esq; half brother to Lord Bute, a Commissioner of Trade or Police in Scotland, 400 l. a year.

Sir Robert Menzies, Bart. brother-in-law to Lord Bute, a Commissioner of Trade or Police in Scotland, 400 l. a year.

John Campbell, Esq; brother-in-law to Lord Bute, and Head Collector of Stamps in Scotland, a Lord of the Sessions in Scotland, 700 l. a year.

—— Courtney, Esq; brother-in-law to Lord Bute, Commissary of Minorca, 800 l. a year, besides apartments for a Deputy.

[Lady

created Lord Le Despencer. His other friend, and most material assistant, Mr. Fox, was created Lord Holland. As to himself, immediately after his resignation, he feigned sickness, and ran away to Harrowgate; but when the feint of sickness was detected and ridiculed, his friends then gave out, that he was brought in, solely against his inclination, only to make the peace, and having fully completed that great work, he retired, agreeable to his own original request. Mr. Fox retired into France, and Lord Talbot,

[Lady Bean Ruven, sister to Lord Bute, had a pension settled upon her of 400 l. a year soon after his present Majesty's accession.]

William Mure, Esq; one of the Barons of the Exchequer in Scotland, appointed in 1761, (and Inspector of Lord Bute's Private Affairs in Scotland) Receiver General of Jamaica, 600 l. a year, paid on the exchange, with a reversion to Robert Mure, Esq; his son.

Henry Wauchope, Esq; Member of Parliament for the Shire of Bute, and Deputy Privy Purse to his Majesty, a pension of 630 l. on the Irish Establishment.

John Home, Esq; (formerly Rev. now Esq;) author of the play of Douglas, for which his present Majesty, when Prince of Wales, settled a pension upon him, Conservator of Scotland, at Campvere, 300 l. a year, without residence.

bot, who had been another of his staunch adherents, retired into Wales; so that there seemed to be a clear stage for the new Ministers to enter upon.

Among an infinite number of virtues which were ascribed to this North British Minister, his friends boasted greatly of his disinterestedness, of his having disdained to touch those tempting spoils which lay at his feet. Had they not been so particular in their assertions of this falsity, it would not have deserved a refutation; but since they laid their greatest emphasis upon it, a recapitulation of his rewards and his services, may perhaps not be unworthy the reader's notice. We will begin with his rewards, because he began with them.

“ He entered the Privy Council with a Prince of the Blood: he was honoured with the Garter in company with another Prince of the Blood: he obtained an English Peerage for his family, and the ranger-ship of Richmond park for himself: he secured valuable things to his brother and others of his kindred (*vide* the preceding note);

note); and his friends acknowledged, that he provided for all his dependents.

“ These were his rewards; now for his services. He was professedly the first or sole Minister very little more than ten months. During which time he gave up to the enemy, the most valuable of our conquests for a Peace, which very wise men think little better than a truce; he revived national animosities between the English and Scotch; he revived party distinctions among the English; he was the means of disgracing the best of our Nobility, and of dismissing the ablest servants of the crown; he stifled, by his conduct, the acclamations due from the people to their King; weakened the crown, by disposing of almost all the reversionary patents; turned out, with inhumanity, the innocent dependents of former Ministers; increased the peerage, beyond the example of any of his predecessors; borrowed public money on exorbitant terms, and invented a new Excise.

“ These are his services. Which differ so totally from those of his contemporaries,

raries, that we may conclude, from their rewards being less, that the rewards and the services of the North Briton, were not meant to bear any relation to each other. We will therefore compare his rewards with those of a Minister, who was supposed to be favoured by the crown, and served it faithfully five and twenty years.

Sir Robert Walpole's rewards.

An English Peerage after his services.

Richmond Park.

The Garter.

Ample provision for his brother and immediate dependants.

The Earl of Bute's rewards.

An English peerage before his services.

Richmond Park.

The Garter.

Ample provision for his brother and immediate dependants.

“ There was some little difference in the brothers ; Sir Robert's brother having been employed in public business from his earliest years ; and Lord B's. brother having been wholly unknown till within very few years past.—It is hoped we shall hear no more of Lord Bute's *disinterestedness*.”

C H A P. XII.

Mr. Grenville succeeds Lord Bute. The opinion which the Minority entertain of the new Ministry. The forty-fifth number of the North Briton published. The Printers and Publishers apprehended by a general warrant. Mr. Wilkes apprehended. His house entered: his papers seized. He is carried by violence before the Secretaries of State. Committed a close prisoner to the Tower. The writ of Habeas Corpus evaded. Discharged by the Court of Common Pleas. The opinion of that Court.

A Few days after Lord BUTE's resignation, the Right Hon. Mr. GEORGE GRENVILLE was appointed First Lord of the Treasury and Chancellor of the Exchequer: he was the first who had held these two great employments since the death of Mr. Pelham; and by the union of them in his person, he was considered as the Minister: the Earl of SAND-

SANDWICH was appointed First Lord of the Admiralty, in the room of Mr. GRENVILLE.* Several other changes were made, particularly at the public Boards. But the plan of Administration, and the measures of Government continued, as laid down by the late Minister. From this uniformity of Complexion, the opposition, who likewise remained in the same situation, very positively affirmed, that the new Ministry were no other than the substitutes of the Favourite, who had only

* Lord Halifax, upon his return from Ireland, had been made first Lord of the Admiralty, in the room of the late Lord Anson; and the right honourable Mr. George Grenville, who had succeeded Lord Bute as Secretary of State, upon the advancement of his Lordship to the Treasury, made an Exchange of places with Lord Halifax, previous to the peace. So that in this last change above-mentioned, there was no alteration in the Secretaries of State; Lord Egremont continued for the southern, and Lord Halifax for the northern department; and it was given out by authority, to all the foreign Ministers and others connected in public affairs, that his Majesty had placed his government in the hands of the right honourable Mr. George Grenville, and the Earls of Halifax and Egremont, that in all matters of importance they were to act in conjunction, and to them all applications of business were to be directed.

retired

retired to a place of safety and secrecy, in order still to govern, tho' by other hands. The substance being thus driven away, they said, it is not probable the shadows can last long. To oppose *them*, therefore, is to oppose *him*. For they asked, who are these men? Are they not the same who supported him in all his odious measures, particularly the late Peace and the Excise? Are they not the dregs of the last Administration? Are they not destitute of Parliamentary interest? Are they possessed of any considerable property in the kingdom? Is it not clear, therefore, to demonstration, that having no strength or solid foundation of their own, they must be obliged to act in subserviency to a concealed influence, and consequently is not this scheme of clandestine administration, an insult upon the understandings of the Public? This language, and a great deal more to the same effect, with which every news-paper and other publication were replete, and the truths which it manifestly conveyed, operated so universally among the people,

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that

that though the advocates of the Administration repeatedly denied their being under the influence of the Favourite, yet no one was convinced by their assertions.

The North Briton, which had ceased upon the resignation of Lord BUTE, and had gained a complete victory over that Minister, menaced his successors, in an advertisement which appeared on the very day (April 13) that the new Ministers kissed hands; and on Saturday the 23d day of April, appeared the famous *forty-fifth* number of that paper. It was an attack upon the King's speech made at the close of the session, and produced such a series of singular and extraordinary transactions, as perhaps are not to be equalled in the annals of any civilized nation. Upon the appearance of that paper, the Administration instantly deemed it a libel. In all probability, they who had for a considerable time smarted and trembled under the lash of this writer's pen, rejoiced at this attack (as they officiously christened it) upon their Sovereign; and under his shield,

shield, there is no doubt but they resolved to avenge what they called their own injuries. And this is all that can be said in palliation for the enormity of that rage and malice, which were so apparent in the subsequent violations, of not only the rights of Englishmen, but the sacred privileges of all mankind, against the supposed author.

The facts of this important and interesting affair shall be candidly stated, with truth, and the strictest impartiality; and with as little reasoning upon the several points, as a narrative of such events can possibly admit; for all the arguments which arose, either spontaneously at the time from the obvious illegality of the proceedings, or were afterwards the result of mature consideration, the curious reader will find, in the political publication of that date, a short mention of the best of which is in the note*.

The

* A letter to the Earls of Egremont and Halifax, on the Seizure of Papers.

The first process of government was issuing a General Warrant in the usual office form, to take up the Authors, Printers and Publishers of the North Briton, &c. This warrant was granted not only without information upon oath, but even without any information at all, except that of the Publisher's name, which was at the bottom of the paper ; of him, therefore, there could not be the least doubt ; but with respect to the Printers and Authors, the Messengers, who were always the executors of these warrants, were at full liberty to inspect, and take up whom they pleased. The Secretary of State directed the three ordinary Messengers, whose names are at the warrant, (a true copy of

Observations upon the authority, manner and confinement of Mr. Wilkes.

The Defence of the Minority. Written by the Right Hon. Charles Townshend.

The Defence of the Majority.

A letter from Candor to the Public Advertiser.

A Letter on Libels, Warrants, Seizure of Papers, Sureties for the Peace, &c. &c.

This last is esteemed the most interesting tract that ever appeared in our language, and is well worth the serious attention of every Englishman.

which

which the reader will find in the note *) to go to one *Carrington*, the principal and first-named Messenger, and to get from him information of whom they were to seize. *Carrington* told them, that an old

* George Montague Dunk Earl of Halifax Viscount Sunbury and Baron Halifax one of the Lords of his Majesty's (L. S.) Most Honourable Privy Council Lieutenant General of his Majesty's Forces and Principal Secretary of State.

These are in his Majesty's name to authorize and require you (taking a Constable to your assistance) to make strict and diligent search for the Authors Printers and Publishers of a seditious and treasonable paper intitled the North Briton Number XLV. Saturday April 23 1763 printed for G. Kearsly in Ludgate-Street London and them or any of them having found to apprehend and seize together with their papers and to bring in safe custody before me to be examined concerning the premises and further dealt with according to law And in the due execution thereof all mayors sheriffs justices of the peace constables and all other his Majesty's officers civil and military and loving subjects whom it may concern are to be aiding and assisting to you as there shall be occasion and for so doing this shall be your warrant Given at St. James's the twenty-sixth day of April in the third year of his Majesty's reign *signed*

directed to

Dunk Halifax

Nathan Carrington John Money
James Watson and Robert Blackmore
Four of his majesty's messengers in ordinary.

Printer (whom he did not name) had told him, that one Mr. Leach, a Printer, in Crane-court, Fleet-street, was the Printer of the North Briton; and that Mr. WILKES, whom public report had said was the Author of that paper, had been lately seen going into Mr. Leach's house. Upon this hear-say information and strange conjecture, the Messengers entered Mr. Leach's house early in the morning, on Friday the 29th of April, 1763, and took him out of bed from his wife, while his child lay dangerously ill in the room: they seized all his papers, together with all his journeymen and servants. The latter were not, as the warrant directed, carried before Lord HALIFAX, but to an alehouse; and, after about twelve hours confinement, were discharged; for it soon appeared that *Carrington's* information was totally false, Mr. Leach not being the Printer of that North Briton; yet he was detained several days after his innocence became fully known.

The next person apprehended that morning, was Mr. Kearsly, the original
and

land real Publisher *. His house underwent a thorough and strict examination; and his letters, papers, and accompt books, (all which he very imprudently suffered to remain in his house from a false supposition that it would not be searched, after he had received undoubted intelligence of a search being made) were all seized by the

no *. In a paper called "The case of George Kearsly," drawn up by himself, are the following particulars:

"On Friday the twenty-ninth day of April 1763, about seven o'clock in the morning, I was informed, by one of my family, that several persons desired to see me. I hastened down stairs, and found my shop, to my great surprize, in the possession of Mr. Watson, one of his Majesty's messengers, with Mr. Clarke, his assistant, a constable, and several other attendants. Mr. Watson informed me he had a warrant from the Secretaries of State, with orders to make me, with my whole family, prisoners; also to seize such papers as he should chuse, together with my books of accompt.

"I expostulated with him, and represented the distress which his execution of such unaccountable orders would inevitably plunge me, as I must shut up my doors, if no persons were permitted to attend. He stationed two men in the shop, with strict and positive orders not to suffer any person to quit the house till he should give them further instructions.

"I observed, upon looking at the warrant, that it was not (as I understood warrants executed in the city ought to be) signed either by the right honourable the Lord Mayor, or some other city magistrate.

the designs of government against him) were seized by the Messengers, who carried them to the office of the Secretaries of State, and him, for the present, to one of their own houses in Westminster. About four o'clock in the afternoon of the same day, he was carried before the Earls of EGREMONT and HALIFAX to be examined; and,

Mr. Watson replied, — *It is not necessary; I shall pay no regard to that circumstance; but insist upon your immediate obedience.* He instantly took three of my principal accompt-books, and such letters, notes, memorandums, &c. from off my files, as he thought proper, to a very considerable number. He ordered Clarke, at the same time, to attend me up stairs, and examine my bureau, and all places where papers were deposited. He faithfully executed his director's commands, exploring the contents of every drawer, prying into my cash, notes of hand, draughts, &c.

“ After this general search, the whole of such articles as Mr. Watson thought proper, were carried away, as also my father and self. My books and papers were immediately carried to the Secretaries of State's office, for their inspection. In the course of my examination, I gave their Lordships as much information as was consistent with my situation. The Earls of Egremont and Halifax; Messieurs Wood and Weston, Under Secretaries; Mr. Webb, Solicitor to the Treasury, and Mr. Stanhope, Law-Clerk, were present.

“ The Earl of Egremont was pleased to observe, — *my own sense must inform me, the object of their resentment was the Author, not the Publisher.* The Earl

and, without being put upon his oath, he told them many things, particularly, that Mr. CHARLES CHURCHILL received the profits arising from the sale of the North-Briton; that one Mr. Balfe, in the Old Bailey, was the Printer; and that Mr. WILKES, whom he believed to be the Author, gave orders for the printing.*

Of this last fact, (the giving orders) there was sufficient proof found among his papers, as afterwards appeared upon the trial of Mr. WILKES, when government

Earl of Halifax joined his Lordship in this declaration. Mr. Webb added, you must return to Mr. Watson's house.

He was released upon bail, after eleven days confinement.

* However, it afterwards appeared upon his trial from the evidence of Johnston, another Bookseller, who was privy to some matters concerning the North Briton, that it had been agreed between Kearsly and his Employer, that he should give up the author, *if necessary*; and that the opinion of council should be taken upon each number before it went to the press. This latter condition was a very improper one; for in politics it is remarkable that lawyers, of all others, are the worst persons to consult with. There is in them a *bias of calling*, as the Marquis of Halifax calls it, that is unfavourable to that freedom and ingenuity of ideas which matters of this sort particularly require to the right discussion of them.

did

did not hesitate to make use of this evidence so infamously and illegally obtained, particularly a letter was produced and read from Mr. WILKES to Mr. Kearsly, containing directions for printing one of the numbers of the North Briton, which was pretended to be the Forty-fifth, because it contained two sheets, as the letter directed, though there was another North Briton which was likewise two sheets, and was number 45 also : and to this day there is no positive evidence of Mr. WILKES being the author of that paper. Kearsly signed his information, and upon it Balfe the Printer, was immediately apprehended, who made no less than the eight-and-fortieth person seized by this famous warrant : in his examination, which was that evening, he said much to the same effect as Kearsly. In consequence of these informations, neither of which, the reader will observe, was upon oath, orders were given to seize Mr. WILKES ; and the same general and illegal warrant, which had been twice returned into the office, was now sent out a third time. By these
returns

returns this famous warrant had already done more than its duty, and therefore it was clearly *functus officio*. Every common Justice of Peace knows, that to apprehend Mr. WILKES, another warrant should have been issued; and it is certain that Lord HALIFAX, when giving orders for the apprehension of Mr. WILKES, thought it necessary, and intended to put Mr. WILKES's name in the proposed new warrant; but was prevented by the Crown Lawyers, three of whom were present, viz. Mr. YORKE, the Attorney General; Mr. NORTON, the Solicitor General; and Mr. WEBB, the Solicitor to the Treasury, who did not think another warrant at all necessary; and as to the naming of Mr. WILKES, it has been asserted, that Mr. WEBB said, *it was better not*.

At this congress of the Crown Lawyers, the Attorney and Solicitor General delivered their opinions in writing. " That
 " the North Briton, number 45, was an
 " infamous and seditious libel, tending to
 " inflame the minds, and alienate the af-
 " fections of the people from his Ma-
 " jesty,

“ jesty, and excite them to traiterous in-
 “ surrections against his government.”
 And they further declared, “ That the
 “ publication of a libel, being a breach
 “ of the peace, is not a case of privilege;
 “ and that Mr. WILKES might be com-
 “ mitted to any prison, upon the evidence
 “ laid before the Secretaries of State.”

Surely these Lawyers were ignorant that
 the informations laid before the Secretaries
 of State, were not taken upon oath. It
 was likewise affirmed in all the public
 news-papers, by the defenders of the
 administration, that the late Lord HARD-
 WICKE, who was then alive, had de-
 clared his opinion to be “ That the
 “ publication of a libel was a breach of
 “ the peace, and therefore not a case of
 “ privilege.”

Thus it happened by the interposition
 of the Lawyers, that the General War-
 rant, of the 26th of April, was the Mes-
 sengers authority for seizing Mr. WILKES,
 although the informations against him
 were not taken until the 29th. And in
 order to make this breach of law, and

every

every Englishman's security, the more wanton and flagrant, they had verbal orders from Lord EGREMONT, to force open his house at midnight, and to seize his person, together with all his papers. But whether self-preservation, or a doubt concerning the legality of such procedure, or what other cause, is not material, certain it is, the wiser Messengers delayed the execution of the warrant until next morning; and not even then daring to enter the house by violence, they waited a considerable time in the street for an opportunity of getting in, when the door should be opened. Mr. WILKES had very early that morning gone into the city, of which circumstance it is probable the Messengers had been informed, for as he was coming home, one of them, named Watson, arrested him at his own door. Mr. WILKES demanded to see the warrant, and not finding his name in it, nor any description of his person, nor even one word which might allude to him, more than any other man, he refused to obey it. The other Messengers immediately entered the house, and

and took possession of it. At this instant a person with whom he had some acquaintance, happening to call upon him, they talked together a few moments in one of the parlours, in the sight, but not in the hearing of some of the Messengers; who, contrary to their usual caution upon these occasions, suffered the person to go out. He went immediately to Lord TEMPLE, and informed his Lordship of what was passing at Mr. WILKES's, particularly of the obvious illegality of the warrant. His Lordship was greatly surprized, and went immediately to Westminster. Finding the Messengers in possession of Mr. WILKES's house, he desired to see their warrant, and being instantly struck with its notorious illegality, he asked them, why they did not go and seize the Lord Chancellor, or the Lord President, and take possession of their houses, since the warrant might as well be served upon either of them as upon Mr. WILKES. To which they answered, that they had verbal orders from the Secretary of State where to go, and that they had been com-
manded

manded to forcibly enter Mr. WILKES's house, and drag him out of bed at midnight, and to seize all his papers. Such inhuman orders for the commission of such wanton and unnecessary outrages, must undoubtedly have shocked his Lordship, as they did the whole public afterwards, and determined him to exert his utmost efforts in behalf of the liberties of his country, thus maliciously and cruelly trampled upon, by the insolence of office, and a new erected species of tyranny. And it is further remarkable, that, for not obeying these inhuman orders, the Messengers were afterwards threatened with dismissal from their places. Lord TEMPLE immediately went to Westminster-hall, and the court of Common Pleas being then sitting, a writ of Habeas Corpus was moved for, and ordered to issue as soon as possible.

In the mean time, several gentlemen, friends to Mr. WILKES, being informed that the King's Messengers had entered his house, went directly to his assistance. As to Mr. WILKES himself, having refused

to obey the warrant, the Messengers forced him into a chair, and he was carried by violence to Lord HALIFAX's, where Lord EGREMONT attended, in order to be present at his examination. Their Lordships asked him several questions, to all which he made not the least answer; and the few words he did say in that critical moment, tended chiefly to treat their usurped and illegal authority with the contempt it justly merited. He however informed their Lordships of the orders actually given by the Court of Common Pleas for his Habeas Corpus. And JOHN WALSH, and RICHARD HOPKINS, Esqrs. likewise informed Mr. WEBB, and Mr. LOVEL STANHOPE, Law-Clerk to the Secretaries, of such orders being given by the Court of Common Pleas, and that the writ was directed to Watson and Blackmore, the two Messengers who then had Mr. WILKES in custody. Notwithstanding these informations, yet did the Secretaries of State shift him into the hands of other Messengers, and sign his commitment to
the

the Tower, * resolving by that means to evade the writ of Habeas Corpus; and in order to make that evasion as certain as possible,

* The following is a true copy of the warrant of commitment:

Charles earl of Egremont and George Dunk earl of Halifax lords of his majesty's most honourable privy council and principal secretaries of state.

These are in his majesty's name to authorise and require you to receive into your custody the body of John Wilkes es. herewith sent you for being the author and publisher of a most infamous and seditious libel intituled the North Briton number 45 tending to inflame the minds and alienate the affections of the people from his majesty and to excite them to traiterous insurrections against the government. And to keep him safe and Close until he shall be delivered by due course of law and for so doing this shall be your warrant Given at St. James's the 30 day of April 1763 in the third year of his majesty's reign.

signed

Egremont L. S.

To the right hon. John Lord }
Berkeley of Stratton constable } Dunk Halifax L. S.
of his majesty's Tower of }
London or to the lieutenant }
of the said Tower or his de- }
puty. }

The reader will observe, that this warrant differs from the other in its description of the libel, by leaving
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possible, they ordered him to be kept a safe and close prisoner.

This insolent method of evading the act of Habeas Corpus, and the cruel manner of imprisonment, were two of the most wilful and dangerous violations of the liberties of the subject, which the presumption of man had ever dared to commit. It was the very purpose of that valuable act, to prevent such evasions of the Habeas Corpus, and it proceeded upon great experience of the evil. If what was practised in this case is suffer'd to take place, a person may be taken up by a Messenger or Constable, and if a

out the word *treasonable*; the Secretaries, or their Lawyers, upon better consideration, having doubtless resolved not to support that charge; and likewise in being particular, not general, having Mr. Wilkes's name in it; which last circumstance can be accounted for, only by supposing they began to be afraid of the first warrant's coming into the King's Courts of Justice, and therefore they resolved to cover it with this particular and ulterior one. But notwithstanding these amendments, yet it proceeds from no charge upon oath, nor is it in any respect like the warrant of a magistrate; in which capacity the Secretaries of State are supposed to have acted throughout this whole business.

writ

writ of Habeas Corpus is issued, directed to him, he may, before it is served upon him, put his prisoner in a gaol; the Keeper of that prison may, before a new writ reaches him, deliver him over to another, and so the prisoner may be carried through all the prisons in England, before the law can bring his body into a Court of Justice; and if at last he is sent into remote counties, where twenty days are allowed for a return to the writ, he may suffer an imprisonment long enough to punish any real offence that is not capital, and to gratify the most sanguine resentment of a Minister, before the King's Judges know for what he is imprisoned. To enumerate the mischievous consequences of such a proceeding, the practicability of which the fact proves, or to shew that it requires an exemplary correction to check the practice, would be labour lost; the thing speaks for itself; and therefore it is matter of real astonishment, that there has not yet been found virtue enough to bring it before the cognizance of Parliament, where it ought

and certainly would undergo a warm animadversion, and a severe censure.

The fact of close imprisonment was another violation of the rights of the subject, and likewise merits a strict and constitutional enquiry, together with a strong and exemplary censure. It was a cruelty not to be equalled in the modern history of this country; even the ever-memorable commitment of the Seven Bishops did not venture to enjoin close imprisonment. A man in this country is not to be confined a close prisoner, that is, debarred the use of paper, pens and ink, and the sight of every person whatever but his Keeper. This is a cruelty practised only in the Bastile. The law of England permits no such grievance; particularly and most especially in such an undefined and party crime as a public Libel; which, taken at worst, is a bailable offence; and there was very respectable bail ready to be given. Therefore this close confinement was not only unnecessary but unlawful, and another most wanton and malignant violation of the liberties of the subject, and an unpardonable

donable breach of the privileges of Parliament.*

Had the writ of Habeas Corpus been obeyed, the Messengers must have brought Mr. WILKES with their warrant before the Court, and it cannot be imagined that a warrant which neither named nor described any body, would have been deemed a sufficient authority for the apprehension of Mr. WILKES. The Messengers in their return, could only assert, *that they arrested him under that warrant*; they could not in such return add, that Mr. WILKES was either Author, Printer,

* “ Under what law, or colour of law, could he be committed to *close* confinement (*arcta custodia*) upon the *charge* of a *Libel* only? Another very great and important point for a constitutional inquiry! Is a man, charged only with writing and publishing a *Libel*, to be deprived of his liberty at once, and so shut up in gaol, that no friend is to have it in his power to come near him? Will not common confinement be sufficient custody in such a breach of the peace, when charged only, and that *ex officio*, and before one tittle of proof be given, and this too in the case of one of the representatives of the Commons of England? I cannot help saying, I am surprised that this last point has never been agitated; for it seems to me to be of very great consequence.”
—*Candor Junior*.

or Publisher of the North Briton. As the Court could not presume guilt, and nothing but the warrant itself could be produced, and no supplemental evidence received to shew the relation it had to Mr. WILKES, can a doubt be entertained that the Court would have discharged him? The officers of the Crown seem to have been aware (and indeed one would wonder if they could have been otherwise) of this notorious illegality, by their taking such special care not to suffer the general warrant to appear in the courts of law, and for greater security in this particular, absolutely burying the prisoner in a military jail, although the warrant had promised he should be *dealt with according to law*.

Mean time Mr. WILKES's house was plundered and ransacked in every part. As soon as the writ of habeas corpus had been applied for in Westminster Hall, several gentlemen who were by this time acquainted with the affair, particularly Mr. WALSH, Mr. HOPKINS, Mr. COTES, Mr. GARDINER, and Mr. PHILIPPS, came
to

to Mr. WILKES's to inform him of the writ, but they were refused admittance by the Messengers, who told them Mr. WILKES was carried to Lord HALIFAX's; and that verbal orders had been given by Mr. WOOD, at that time Lord EGREMONT's Secretary, to admit nobody. It came out afterwards, that Mr. WOOD had been sent to hasten the execution of the warrant. They treated these orders with the contempt they deserve, and without further resistance entered the house. Immediately after Mr. WILKES was taken from his house, Mr. WOOD, and Mr. LOVELL STANHOPE, Law Clerk to the Secretaries of State, came to the Messengers who were in possession of the house, and asked one of them, "whether he had got the keys of the rooms where the papers were;" and being answered, "he had the key of the study," they went away; as did also Mr. WEBB who had followed them. In a little time after, Mr. WOOD returned, in consequence, as is supposed, of an intimation from some of the Messen-

gers, that several of Mr. WILKES's friends had entered the house. He reprimanded the Messengers for having admitted them, and demanded of the gentlemen "how they dared to defy the order, or question the authority of a Secretary of State?" At that instant came Lord TEMPLE from Westminster Hall, and soon after some warm altercations arose, concerning the wanton and malicious violations of the rights of the subject, the contempt of law, and the utter illegality of the whole proceeding. In a few moments Mr. WEBB returned; and a thorough search of the whole house was immediately begun. When this shocking business was nearly finished, information was brought to the Noble Lord, that Mr. WILKES was that moment conveyed to the Tower, notwithstanding the Secretaries of State had been fully informed of the writ of habeas corpus being granted by the Court of Common Pleas: upon which his Lordship immediately followed him to the Tower, but was refused admittance; the
Tower

Tower being on this occasion converted into the Bastile. As his Lordship was leaving Mr. WILKES's house, followed by several of the gentlemen there, Mr. WEBB held up a key, which was supposed to be one of Mr. WILKES's keys, and which Mr. WOOD had afterwards, and asked, "Whether any of them were willing to see Mr. WILKES's papers sealed up?" but none of them chose to be spectators of so cruel and infamous a transaction. Even *Carrington*, the oldest and most experienced of the Messengers, had doubts concerning this part of the proceeding; for he sent to the Secretaries of State an express message, to know, "Whether *all* Mr. WILKES's papers were to be seized:" and their answer was, "YES, ALL!" Therefore every repository in the house was examined; and in order to make this inhuman business as complete as possible, a Smith was sent for, who, by the orders of Mr. WOOD and Mr. WEBB, picked several locks of a writing desk. When every cabinet and every drawer had been fully explored,

explored, *all* his papers, together with such other things as the Messengers, who had been accustomed to this kind of plunder, thought fit to take, were promiscuously thrown into a sack; and his own *private pocket-book closed the mouth of it!* These papers were not carried before the Secretary of State, as the warrant directed, but before Mr. STANHOPE and Mr. WEBB: so that a very material part of the illegal authority, which the Secretaries of State had usurped, they, in as illegal a manner, delegated to others. And to the barbarity of thus exposing them to the prying eyes of Clerks and Lawyers, was added, the wanton malice of making articles of intelligence of many parts of them for the public news-papers. And particularly in a collection of warrants, and other office precedents, which Mr. WEBB soon afterwards caused to be printed, and which printing job he gave to Mr. Balfe, to whom other offers were made in expectation of his becoming instrumental in the intended conviction of Mr. WILKES; was a scandalous

dalous note, exploring the contents of some of these papers, although they did not bear the most distant relation to the affairs of government.

During the three first days of Mr. WILKES's confinement in the Tower, he was, according to the tenor of the warrant, kept a *safe* and *close* prisoner, no person whatsoever (except his Keeper) being allowed to see or speak with him. His brother, and several noble persons, were repeatedly refused; as were likewise his Council and Solicitor many times, who came to consult him about the legal methods to be pursued for his enlargement. Major RAINSFORD, Deputy Lieutenant of the Tower, declared to Mr. GARDINER, one of Mr. WILKES's Council, and to Mr. BEARDMORE, then his Attorney, "That such were his orders from the Secretaries of State, which he durst not depart from."

The Major of the garrison, in whose custody Mr. WILKES was, like a good officer, literally obeyed the orders he received

ceived from the Lieutenant Governor, which the reader will see in the note*.

On Monday, May the 2d, the Court of Common Pleas ordered a return to their writ of Habeas Corpus ; but the return made, which was only this, " That they had him not in their custody," was not allowed by the Court to be a sufficient one ; yet the insufficiency of it prevented that enquiry into the cause of confinement, which the Habeas Corpus act requires to be made. Another writ was therefore moved for and granted. In consequence of this second

* ORDERS issued by the lieutenant Governor of the Tower, respecting the detention of John Wilkes, Esq;

" That the warders appointed to keep a close prisoner, shall not presume to leave him for a moment alone, either night or day, or to change their duty with other warders, but by particular leave or order from the constable, lieutenant, deputy lieutenant, or in their absence the major of the Tower.

" They are to permit no person to have admittance into the room he is confined in, or to speak to him, but by a particular order brought them by the major or gentleman goaler."

The Major had likewise a written order, to take down the names of all persons who applied for admittance to Mr. Wilkes.

writ, Mr. WILKES was next morning brought before the Court, where he made a speech, which the reader will see in the note,* and after his case had been argued, he was remanded to the Tower, the Court chusing to take time to consider of it, and ordered him to be brought up again on the Friday following: at the same time the Court ordered, that *all* persons should have free access to him.

During

* *Mr. WILKES's Speech at the Bar of the Court of Common Pleas, on Tuesday May the 3d, 1763.*

My LORD,

“ I feel myself happy to be at last brought before a Court, and before Judges, whose characteristic is the love of Liberty. I have many humble thanks to return for the immediate order you were pleased to issue, to give me an opportunity of laying my grievances before you. They are of a kind hitherto unparalleled in this free country, and, I trust, the consequences will teach Ministers of Scottish and arbitrary principles, that the Liberty of an English subject is not to be sported away with impunity, in this cruel and despotic manner.

“ I am accused of being the author of the North Briton, No. 45. I shall only remark upon that paper, that it takes all load of accusation from the sacred name of a Prince, whose family I love and honour, as the glorious defenders of the cause of Liberty, and whose personal qualities are so amiable, great, and respectable, that he is deservedly the idol of his people.

During this interval, he was dismissed from his post of Colonel of the Buckinghamshire militia, which although a very natural and an expected mark of the Royal displeasure, was not, at this critical moment, a very proper one: for the necessary course to be pursued in his case, or in the language of Lawyers, the first process of the law, was clearly *sub judice*, and before the King's Judges; therefore

ple. It is the peculiar fashion and crime of these times, and of those who hold high Ministerial offices in government, to throw every odious charge from themselves upon Majesty. The author of this paper, whoever he may be, has, upon constitutional principles, done directly the reverse, and is therefore in me, the supposed author, meant to be persecuted accordingly. The particular cruelties of my treatment, worse than if I had been a Scottish Rebel, this Court will hear, and I dare say, from your justice, in due time redress.

“ I may, perhaps, still have the means left me to shew that I have been superior to every temptation of corruption. They may, indeed, have flattered themselves, that when they found corruption could not prevail, persecution might intimidate. I will shew myself superior to both. My papers have been seized, perhaps with a hope the better to deprive me of that proof of their meanness, and corrupt prodigality, which it may possibly, in a proper place, be yet in my power to give.”

such

such dismissal was at least *precipitate*, and might have tended to influence or intimidate some Judges ; but fortunately for the Rights of Englishmen, there happened to be a man upon the bench, who was above intimidation in a just cause, and who would not, at the expence of Public Liberty, purchase the smiles of a Court, nor, from a faithful discharge of his duty, dread the frowns of it.

On Friday, May the 6th, Mr. WILKES was again brought before the Court of Common Pleas, and, by the unanimous judgment of the whole Court, was discharged, upon his claim of privilege as a Member of the House of Commons. He made two speeches on this occasion, which, together with the opinion of the Court at length, the reader will find in the note *.—But notwithstanding this deter-

* *Mr. WILKES's Speech at the Bar of the Court of Common Pleas, on Friday May the 6th, 1763.*

“ My LORD,

“ Far be it from me to regret that I have passed so many more days in captivity, as it will have afforded you an opportunity of doing, upon mature reflection, and repeated examination, the more signal justice

determination of the Court, he was, a
few

justice to my country. The liberty of all Peers and Gentlemen, and, what touches me more sensibly, of all the middling and inferior class of people, who stand most in need of protection, is in my case this day to be finally decided upon : a question of such importance as to determine at once whether English liberty be a reality or a shadow. Your own freeborn hearts will feel with indignation and compassion, all that load of oppression under which I have so long laboured. Close imprisonment, the effect of premeditated malice : all access for more than two days denied to me : my house ransacked and plundered : my most private and secret concerns divulged : every vile and malignant insinuation, even of high treason itself, no less industriously than falsely circulated, by my cruel and implacable enemies, together with all the various insolence of office, form but a part of my unexampled ill-treatment. Such inhuman principles of star-chamber tyranny will, I trust, by this Court, upon this solemn occasion, be finally extirpated, and henceforth every innocent man, however poor and unsupported, may hope to sleep in peace and security in his own house, unviolated by King's messengers, and the *arbitrary mandates* of an overbearing Secretary of State.

“ I will no longer delay your justice. The nation is impatient to hear, nor can be safe or happy, till that is obtained. If the same persecution is after all to carry me before another Court, I hope I shall find that the genuine spirit of Magna Charta, that glorious inheritance, that distinguishing characteristic of Englishmen, is as religiously revered *there*, as I know it is *here*, by the great personages before whom I have now the happiness to stand ; and (as in the ever-memorable case of the *imprisoned Bishops*) that an independent *Jury* of free-born Englishmen, will persist to deter-

few days afterwards served with a Sub-
pœna,

determine my fate, as in conscience bound, upon constitutional principles, by a verdict of *guilty* or *not guilty*. I ask no more at the hands of *my countrymen*."

After which the Court proceeded to give their opinion:

The return being read, Mr. Serjeant *Glynn* (the Defendant's Counsel) prayed it might be filed, which was ordered accordingly; and then he took two exceptions to it, and submitted further, that the Defendant being a Member of Parliament, was intitled to his privilege, and ought for that reason alone to be discharged.

After solemn argument at the bar, and time taken for consideration, the Chief Justice delivered the resolution of the Court (which was unanimous) to the following effect.

Pratt Ch. Just. "When this return was read, my brother *Glynn*, Counsel for Mr. *Wilkes*, made two objections to it: and tho' those should fail him, he insisted that Mr. *Wilkes*, from the nature of his particular station and character, as being a Member of the *House of Commons*, was intitled to privilege of Parliament, and ought for that reason alone to be discharged from his present imprisonment. To begin with the objections. The first was, that it did not appear by the warrant that Mr. *Wilkes* stood charged upon any evidence with being the Author of the Libel described in the warrant; the true question arising upon this objection is, whether stating the evidence be essential to the validity of the warrant, and upon this point we are all clearly of opinion that the warrant is good; we consider the Secretaries in the light of common Justices of the Peace, they, no more than any common Justices, can issue warrants merely *ex officio*, or for offences within their private knowledge,

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poena, requiring his appearance to an in-
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being in those cases rather witnesses than magistrates; but tho' this be admitted, it will not affect the present question. The present question is, whether the stating the evidence be essential to the validity of the warrant; no authority has been cited by the defendant's Counsel to shew it. *Rudyard's* case in 2. *Ventr.* 22. was indeed referred to, but upon examining that case, it does not apply. The commitment there was a commitment in execution, and therefore it was necessary in that case to state the evidence. It was urged farther, that the ground of the Justices jurisdiction rested in the charge by witnesses, and if it was otherwise, every man's liberty would be in the power of the Justices. The objection deserves an answer, and if it had not been determined before, I should have thought it very weighty and alarming; but it has been settled. Before I mention the case where it was solemnly adjudged, I would take notice, that neither my Lord *Coke*, Lord *Hale*, or Mr. *Hawkins*, all of them very able writers upon the Crown Law, have considered such a charge as is contended for, to be essential. In the trial of the seven Bishops, tho' they were committed upon a similar warrant, their Counsel did not take the same objection. In referring to that great case, I am not to be understood as intending to give any weight to the determination of the Judges who sat upon the Bench, in that cause; I rely only on the silence of the Defendant's Counsel, who were all of them Lovers of Liberty, and the greatest Lawyers of that age. We have seen precedents of commitments returned upon *Habeas Corpus's* into the *King's Bench*, where the warrants have been all in the same form, and no such objection taken; but the very point was determined in the case of Sir *W. Wyndham*, 3 *Vin. Abr.* 530, 535, *Stra.* 2. who was committed for high treason generally, and not on the charge of
any

formation filed against him in the King's
Bench,

any body, stated in the commitment. 2. *Hawk. Pl. Cr.* 120. *Chap.* 17. *Seet.* 17. refers to the case of Sir *W. Wyndham*, and says it is safer to set forth that the party is charged upon oath, but that is not necessary. Thus stands this point on authorities. The other objection was, that the Libel itself ought to have been set forth *in hæc verba*; but upon that point too, we are all of opinion that the warrant is good. It was urged, that the specific cause of detention ought to be stated with certainty; and therefore, if a man be committed for felony, the warrant must briefly mention the species of the felony. Now the species of every offence must be collected by the Magistrate out of the evidence, but he is not bound to set forth the evidence, he is answerable only for the inference he deduces from it. As to a libel, the evidence is partly internal and partly external. The paper itself may not be compleat and conclusive evidence, for it may be dark and unintelligible without the *innuendoes*, which are the external evidence. There is no other name but that of libel, applicable to the offence of libelling, and we know the offence specifically by that name, as we know the offences of horse-stealing, forgery, &c. by the names which the law has annexed to them. But two reasons were urged why the evidence ought to be stated. First, it was said, that without it the Court cannot judge whether it be a libel or not. The answer is, that the Court ought not, in this proceeding, to give any judgment of that sort, as it would tend to prejudication, to take away the office of a Jury, and to create an improper influence. The other reason was, that unless the libel be stated, the Court cannot be able to determine on the quantity of bail. I answer, that regard to the nature of the offence, is the only necessary rule in bailing; as to the offence of a libel, it is an high misdemeanor, and good bail (having regard to the

Bench, by Mr. YORKE, the Attorney General.

quality of the offender) should be required, but if the libel itself was stated, we could have no other measure of bailing than this ; besides, there has been no case shewn to warrant this reason, and it was not urged in the case of the seven Bishops, but then it remains to be considered, whether Mr. *Wilkes* ought not to be discharged ; the King's Counsel have thought fit to admit that he was a Member of the *House of Commons*, and we are bound to take notice of it. In the case of the seven Bishops, the Court took notice of their privilege from their description in the warrant ; in the present case there is no suit depending ; here no writ of privilege can therefore issue, no plea of privilege can be received : It rests, and must rest on the admission of the Counsel for the Crown ; it is fairly before us upon that admission, and we are bound to determine it. In *Ld Coke* 4. *Inst.* 24, 25, after shewing that privilege of Parliament is conusable at common law, he says, that privilege generally holds, unless it be in three cases, *viz.* Treason, Felony, and the Peace. We have not been able to have recourse to the original record, but in *Cotton's Abridgement*, fol. 596, you will find my Lord *Coke* was right. The case I would refer to, is, that of *William Lake*, 9th of *Henry VI.* who being a Member's servant, and taken in execution for debt, was delivered by the Privilege of the *House of Commons* ; the book adds, (and for that purpose I refer to it) wherein is to be noted, that there is no cause to arrest any such man, but for Treason, Felony and the Peace. In the trial of the seven Bishops, the words " the Peace " are explained to mean " Surety of the Peace. " In the case of *the King, v. Sir Thomas Culpepper*, reported in 12. *Mod.* 108. Lord *Holt.* says, that, whereas it is said in our books, that Privilege of Parliament was not allowable in Treason, Felony, or Breach of the Peace, it must be intended where
surety

General. This was supposed to be another

surety of the Peace is desired, that it shall not protect a man against a *Supplicavit*, but it holds as well in case of Indictment, Information for Breach of the Peace, as in case of actions. In the case of Lord *Tankerville*, a few years ago, which, tho' not reported in any law book, is upon record in Parliament, it was held that bribery, being only a *constructive*, and not an *actual*, breach of the peace, should not oust him of his privilege; there is no difference between the two houses of Parliament in respect of privilege. The statutes of 12 & 13 *Will. 3. c. 3.* and 2 & 3 *An. c. 18.* speak of the privilege of Parliament in reference not to one House in particular, but to both houses; what then is the present case? Mr. *Wilkes*, a Member of the *House of Commons*, is committed for being the author and publisher of an infamous and seditious Libel. Is a Libel *ipso Facto* in itself, an actual breach of the peace? Mr. *Dalton*, in his *Justice of the Peace*, fol. 289. defines a Libel as a thing tending to the breach of the peace. In Sir *Baptist Hicks's* case, *Hob. 224.* it is called a *Provocation* to a breach of the peace. In *Lev. 139. The King, v. Summers*, it was held to be an offence conusable before Justices, because it tended to a breach of the peace. In *Hawk. Pl. Cor. 193. cap. 73. sect. 3.* it is called a thing directly tending to a breach of the public peace. Now, that that which tends only to the breach of the peace, is not an *actual* breach of it, is too plain a proposition to admit of argument. But if it was admitted that a libel was a breach of the peace, still privilege cannot be excluded, unless it requires surety of the peace; and there has been no precedent but that of the seven Bishops cited to shew that sureties of the peace are requirable from a Libeller; and as to the opinion of the three Judges in that case, it only serves to shew the miserable state of Justice in those days. *Allybone*, one of the three, was a rigid and professed Papist; *Wright*

ther breach of the privileges of Parliament.

and *Holloway*, I am much afraid, were placed there for doing jobs; and *Powell*, the only honest man upon the Bench, gave no opinion at all. Perhaps it implies an absurdity to demand sureties of the peace from a Libeller; however, what was done in the case of the seven Bishops, I am bold to deny was Law.

“ Upon the whole, tho’ it should be admitted, that sureties of the peace are requirable from Mr. *Wilkes*, still his privilege of Parliament will not be taken away ’till sureties have been demanded and refused. Let him be discharged.”

Mr. Wilkes then addressed himself to the Court in the words following :

MY LORD,

“ Great as my joy must naturally be at the decision which *this Court*, with a true *spirit of Liberty*, has been pleased to make concerning the *unwarrantable seizure of my Person*, and all the other consequential grievances, allow me to assure you that I feel it far less sensibly *on my own account*, than I do for the *public*. The sufferings of *an individual* are a *trifling object*, when compared with the *whole*; and I should blush to feel for *myself* in comparison with considerations of a nature so *transcendently superior*.

“ I will not trouble you with my poor thanks! Thanks are due to you from the whole *English nation*, and from *all* the subjects of the *English crown*. They will be paid you together with every testimony of zeal and affection to the *learned Serjeant* [Glynn] who has so *ably* and so *constitutionally* pleaded my cause, and in mine (with pleasure I say it) the *cause of Liberty*. Every testimony of my gratitude is justly due to *you*, and I take leave of *this Court* with a veneration and respect, which no time can obliterate, nor can the most grateful heart sufficiently express.”

C H A P.

C H A P. XIII.

Reflections. Lord Temple disapproves of the acrimony in the North Briton. Makes a distinction between the supposed criminalty of that paper, and the public cause which it gave rise to. Determines to support that public cause. Is dismissed from the lieutenancy of the county of Bucks. Is deserted by the old leaven of the party; who pay their compliments at St. James's, and enter into a league to betray, and sacrifice the Public Liberty.

THE discharge of Mr. WILKES from his imprisonment in the Tower, furnished new matter of accusation against the Ministers; for to the many wanton and malicious violations of the liberty of the Subject, which in his case had been committed, was now added, the solemn decision of a most flagrant and dangerous breach of the privileges of Parliament, which alone would, in some days, have been sufficient to

overthrow the firmest Minister ; and this offence was the more strong, as the decision of it had been pronounced in one of the king's superior Courts, by a Judge of high reputation, with the consent of the three other judges, and after time taken to consider of it.

In one part of these arbitrary proceedings all the people of England were interested. As a general warrant, which named nobody, might have extended to every body, and as the abuses and cruelties committed under that authority might have happened to any other person, as well as to Mr. WILKES, if the Messengers had been so inclined : it is therefore no wonder that the whole kingdom instantly became alarmed, and that every man began to consider the case as his own. In another part, the Members of both Houses of Parliament were essentially concerned, as their privileges had been dangerously violated. On the other hand, the Administration were exceedingly incensed against the Judge, for giving that opinion ; and though this difficulty they afterwards found means to surmount,

surmount, by the Parliament's generously surrendering this supposed privilege, to facilitate the views of the Crown, yet the public opinion remained unaltered.

Such manifest and outrageous violations of the liberty of the subject, and such a contempt for the authority and dignity of Parliament, as this case, in all its parts, was obviously pregnant with, undoubtedly stimulated Lord TEMPLE, from the first moment, publickly to stand forth in defence of both, and with his *person*, as well as his *purse*, to combat this monster of State Tyranny, which had, for a series of years, usurped an authority from which none in the kingdom were exempt; and the cruelties of which all ranks of people had, at different times, experienced; but most severely the lowest; whose dread of power, and inability to contend with the weight of government, had suffered these illegal apprehensions of persons, and seizures of papers, to grow into a common and standing practice. Fortunately, for the future liberties of Englishmen, and for the security of every man's house,
there

there lived at this time a Lord TEMPLE ; whose unbounded generosity and public spirit, whose real love of Liberty and his Country, would not suffer him to see, with impunity, these great and alarming violations of the invaluable rights of Englishmen.

There is a wide difference between a man's offence and the manner of punishing him for it; and it came out afterwards, to the conviction of a very full House of Commons, that his Lordship did not approve of carrying on that paper with so much acrimony, nor of those national reflections, with which it was replete; that he had repeatedly advised the discontinuance of the publication; for he could never approve of that kind of writing, nor of that particular paper; and much more, to the same effect, was affirmed, by Mr. WEBB, to be the contents of some of his Lordship's letters to Mr. WILKES, which were found among Mr. WILKES's papers. But however highly his Lordship might disapprove of the manner of writing the North Briton, yet it is certain, that he
disap-

disapproved more highly of those who deserted the supposed Author, when he stood most in need of their assistance. This treachery was most infamous; for whatever Mr. WILKES's faults might be, yet Government were far more inexcusable, as there could not be the least shadow of a doubt, that the proceedings against Mr. WILKES and the Printers, were wholly illegal; were dangerous abuses of power, and the more so, as they had continued for a series of years, and were attempted to be justified by the precedents of office; therefore, on the behalf of all the King's subjects, the conduct of the Administration, in this case, called loudly for a speedy and strong condemnation. On this ground Lord TEMPLE advanced, taking true Constitutional Liberty for his guide, and declaring in the strongest manner to all his friends, many of whom began to tremble for his safety, that if the same violations had been committed against any other man, and not Mr. WILKES, his own conduct would be just the same. But this intrepid and laudable public spirit brought

brought upon him the indignation and resentment of the Court, and deprived him of the strength and support of the party. The first appeared in taking from him the Lieutenancy of the county of Buckingham; an employment which, though neither of emolument nor consequence, yet could not so naturally be vested in any other, as none other stood so high in the esteem and favour of the county. The last was manifested by an almost general desertion of the whole party; and particularly of those who had affected to put themselves a little forward, in order to extort the title of leaders. These made a scandalous figure; for instead of appearing openly and firmly in support of the man, who had suffered in their service, and had given them a great cause of triumph, they, in a few days after his discharge from the Tower, publicly shewed themselves at St. James's; hoping, no doubt, by such an unexpected and singular appearance, at that time, to convince the whole Court, that they disclaimed all connexion with Mr. WILKES, and every
part

part of his cause. Finding, however, that this was not sufficient to open a door for them into offices, they went further to assure the Court of their sincerity in this offered desertion of their friends, and the cause they had pretended to espouse. They publickly talked and wrote of the conduct of Mr. WILKES being wholly indefensible; of government having done no more than what was usual in such cases, and of such usage being both justifiable and legal. But as a Judge of great authority had pronounced a breach of the privileges of Parliament, they considered this part of the proceedings as most dangerous to the Administration; and therefore they apprehended nothing would or could be more agreeable to the Court, than an offer to accommodate and facilitate this knotty point to their wishes; accordingly those who affected to call themselves the *principals* of the MINORITY, but whom the public did then, and does now well know, were only the *rotten part* of it, entered into a league with an eminent Prerogative Lawyer, since dead, whose
name

name was repeatedly hung out in the public papers, as the ensign of this perfidious and contemptible faction, to betray and give up the whole cause. What the conditions of entering into that league were, have not yet transpired, nor are they of any importance to the public: but this much is certain as to the purpose and designs of it, that several of the Junto, of whom it was composed, engaged to *defend* and uphold the indispensable *necessity*, use, and inestimable service of General Warrants to the State; and some of them offered to add, the *legality* of those Warrants. Then, as privilege had been lately decided upon to the disadvantage of government; and as it might be their more immediate interest to join in the ruin of that unfortunate person, whom they saw, and said, was the destined victim of ministerial malice; and as he could not be so easily come at while his privilege remained; they unanimously engaged to *vote that privilege away*, in order to assist the views of the crown, and preserve the administration from censure. These are certain *facts*, and must, to the latest posterity, mark

mark the individuals who engaged in such dark and base transactions, as the most infamous of all traitors : for surely no treachery can be equal to that which is not only unprovoked, but wholly undeserved, and involved in it, as this was most manifestly intended to do, not only the sacrifice of those intrepid and upright persons, who had bravely stood in the gap of Public Liberty ; but the Constitution itself was to be given up, and destroyed, for so small a price as a lucrative office.

C H A P. XIV.

Letters between Mr. Wilkes and the Secretaries of State. Messengers prosecuted. Lord Halifax stands out in contempt of the Court. Trial of the action brought against Mr. Wood. Mr. Wilkes acquitted as Author and Publisher of the North Briton. An attempt made to assassinate him by one Alexander Dun. Erects a printing press in his house. Publishes proposals for a subscription. Prints the North Britons, and Essay on Woman. His imprudencies. Goes to France, where he is insulted by one Capt. Forbes.

UPON Mr. WILKES's discharge by the Court of Common Pleas, * prosecutions were immediately commenced against

* The instant Mr. Wilkes came home from the Court of Common Pleas, he sent the following letter to the Secretaries of State :

Great George-street, May 6, 1763.

“ My LORDS,

“ On my return here from Westminster-hall, where I have been discharged from my commitment to the Tower under your Lordships warrant, I find that

against the King's Messengers, for unlawfully seizing the journeymen Printers,
and

that my house has been robb'd, and am inform'd that the stolen goods are in the possession of one or both of your Lordships. I therefore insist that you do forthwith return them to

Your humble servant

JOHN WILKES.

Directed to

the Earls of EGREMONT and HALIFAX,
his Majesty's principal Secretaries of State.

This was not a very handsome, nor a very proper way of treating the Secretaries of State. As gentlemen, they were entitled to good manners at least; and surely the accusing them of having received stolen goods was a gross indecency. However, they seemed resolved to match him in folly and imprudence, and sent him the following answer :

Great George-street, May 7, 1763.

“ S I R,

“ IN answer to your letter of yesterday, in which you take upon you to make use of the *indecent* and *scurrilous* expressions of your having found *your house had been robbed*, and that *the stolen goods are in our possession* : We acquaint you, that your papers were seized in consequence of the heavy charge brought against you, for being the author of an infamous and seditious libel, tending to inflame the minds, and alienate the affections of the people from his Majesty, and excite them to traiterous insurrections against the government ; for which libel, notwithstanding your discharge from your commitment to the Tower, his Majesty has ordered you to be prosecuted, by his Attorney General.

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and other servants, of Mr. Leach. Nothing, certainly, could be more laudable, nor more interesting to the people of Great Britain, than these prosecutions, as they tended

“ We are at a loss to guess what you mean by *stolen goods* ; but such of your papers as do not lead to a proof of your guilt, shall be restored to you ; such as are necessary for that purpose, it was our duty to deliver over to those, whose office it is to collect the evidence, and manage the prosecution against you. We are

Your humble servants,

EGREMONT.

DUNK HALIFAX.”

Directed to Mr. WILKES.

Here is a clear avowal of the principle of seizing Mr. WILKES's papers ; a principle so extremely horrid and cruel, that every Englishman must shudder at the idea. It was observed by a very able Lawyer, that this evidence was collected with as much force, and with as little right by law, as some other collections are made, for which the collectors are hanged when taken.

To this answer Mr. WILKES sent the following reply, viz.

Great George-street, May 9, 1763.

“ My LORDS,

“ LITTLE did I expect, when I was requiring from your Lordships what an Englishman has a right to, his property taken from him, and said to be in your Lordships possession, that I should have received in answer, from persons in your high station, the expressions of indecent and scurrilous applied to my

tended to strike at, and fairly try, the legality of those powers, which the Secretaries of State had, for a great number of years, usurped. None, hi-

my legal demands. The respect I bear to his Majesty, whose servants it seems you still are, tho' you stand legally convicted of having in me violated, in the highest and most offensive manner, the liberties of all the Commons of England, prevents my returning you an answer in the same Billingsgate language. If I considered you only in your private capacities, I should treat you both according to your deserts: but where is the wonder that men, who have attacked the sacred liberty of the subject, and have issued an illegal warrant to seize his property, should proceed to such libellous expressions? You say, "that such of my papers shall be restored to me, as do not lead to a proof of my guilt." I owe this to your apprehension of an action, not to your love of justice; and in that light, if I can believe your Lordships assurances, the whole will be returned to me. I fear neither your prosecution, nor your persecution; and I will assert the security of my own house, the liberty of my person, and every right of the people, not so much for my own sake, as for the sake of every one of my English fellow subjects.

I am,

my Lords,

Your humble Servant,

JOHN WILKES.

Directed to

the Earls of EGREMONT and HALIFAX,
his Majesty's principal Secretaries of State.

N 2

therto,

therto, had had spirit enough to attack government in its own fortrefs : or, if any had, government always bought them off; but most commonly the parties were too indigent to contend with the Treasury, and the power of the Crown : so that one way or other the proceedings in these matters never came before the public. The trial of the King's Messengers in the Court of Common Pleas at Guildhall, on the 6th of July, 1763, was the first. And here it must be observed, that had not a long purse been found to contend with the public Treasury, these proceedings, notoriously illegal as they were, would never have been brought to a judicial and legal condemnation. The fact is, that Earl TEMPLE, and he only, gave it spirit, and was the great sinew of the whole cause. He was inflexible in his resolution of checking these arbitrary proceedings, and rescuing the subject from the danger of such tyrannous usage. It was at his expence that this, and the succeeding victories over arbitrary power, were obtained ;

tained ; and which have now, and for ever, fixed the liberties of Englishmen, upon the solid basis of the constitution. Had he been as treacherous in spirit, and as sparing of his money, on this great occasion, as the rest of the party, GENERAL WARRANTS, together with all the other *illegal* practices, and insolences of office, would have still continued : for there was perhaps more real inability in these first prosecutors (the Journeymen Printers) to bring actions against the King's Messengers, than in all the precedents of apprehensions which were to be found in the Secretary of State's office. Therefore it is clear that this offence would have died away, like all the others, had it not been taken up by somebody of property, and spirit, who neither regarded the enmity of Government, nor the expence which such a prosecution would inevitably occasion ; and whose only object could be no other, but the establishment of the true constitutional liberty of Englishmen. — In that case, it was a matter of indifference to the public, *who* the persons so treated were ;

the only question which interested the public, was, Were those apprehensions legal?

The points contended for on the part of the crown, in the first trial of an action brought against the King's Messengers, by one of the journeymen Printers, were,

1. *The legality of the warrant.*
2. *The due execution of that warrant.*
3. *Two acts of Parliament of the Seventh of James I. and the twenty-fourth of George II. in the nature of a bar to the action against the defendants, the Messengers; and sending the plaintiffs over for remedy against the Secretaries of State. And the Council for the Crown insisted, that the Jury should find a *Special Verdict*.*

The Chief Justice gave his opinion, that the Jury could not be compelled to find a *Special Verdict*: and likewise his judgment upon the three points of law, viz.

1. *That the warrant was illegal.*
2. *That it was illegally executed.*

3. *That*

3. *That the Secretaries of State were not within the acts of Parliament of James I. or George II. and consequently, that the action will lie against the Messengers.*

Notwithstanding the efforts of the Crown Lawyers against it, the Jury insisted upon their *Right* to find a GENERAL VERDICT, and they did so, by giving the man (who had been in custody but a few hours) THREE HUNDRED POUNDS *Damages*. Upon which the Council for the Crown immediately tendered a bill of exceptions against the opinions of the Chief Justice, and the verdict of the Jury; which bill appeared ready engrossed upon two skins of parchment, and afforded a convincing proof that such was the spirit and intention of Government, to support these arbitrary proceedings, altho' they knew they were illegal; and, if possible, by every delay, chicanery, and expence, to weary out their opponents, and thereby prevent the matter being finally decided; that a resolution had been previously taken to object to the opinion of the Judge, and the verdict of the Jury, even before it

could be known what that opinion, or what that verdict might be*. This conduct did not pass without a severe animadversion, very much to the discredit of government. On the other hand the friends of Liberty were exceedingly elated : the public voice was with them strongly and unanimously. There was not an Englishman who did not either publicly or privately rejoice, with uncommon pleasure, at this victory over an usurped, unconstitutional and arbitrary power. This period seemed like another Revolution, giving fresh and further security to the future liberties of Englishmen. And in the midst of these rejoicings, the public did not fail to pour forth the warmest testimonies of their affection and gratitude to the spirit and patriotism of Earl TEMPLE, who laid the foundation of this great palladium of English Liberty, and who seemed determined to spare neither pains nor expence, to carry on and finish this glorious and ever-memorable work.

* The learned Judge declared from the bench, that the Attorney General, and his colleagues, knew his opinion before he knew it himself.

The other Printers, to the number of about seventeen or eighteen, likewise brought actions against the Messengers, and all of them, even to the very errand-boy, recovered damages.

Mr. WILKES also brought actions against the Secretaries of State, Mr. WOOD and Mr. WEBB ; but his actions against the Secretaries of State never came to trial. That against Lord EGREMONT ended of course with his Lordship's death, which happened a few months afterwards. That against Lord HALIFAX, which was the most interesting to the Public, as the warrant itself must have come in issue, and the legality of the whole proceeding, was evaded, by his Lordship casting essoins, pleading privilege, and at length standing out in contempt of the Court, until Mr. WILKES was outlawed, which deprived him of any further assistance from the Courts of Justice. The particulars of this delay the reader will find in the note*.

But

* WILKES, Esq; against the Earl of HALIFAX and the three Messengers who executed the general warrant. } Original was sued out, tested the first of June

and

But the action against Mr. WOOD was brought to trial in the Court of Common Pleas, on the 6th of December, 1763. “ When the cause stood ready for trial, the Court was moved on the part of the defendant,

and returnable from the day of the Holy Trinity in three weeks (19th of June, 1763); and the Earl being summoned, cast an essoign, which was adjourned until the 18th of November. Then comes in privilege: which being at an end, and all the essoigns expired, a distringas was taken out, tested the 9th of May, being the first day of Easter term, 1764, returnable from the day of Easter in five weeks (27th of May)—the Sheriff returns forty shillings issues—The Earl does not appear—The Court directs fifty pounds issues—An alias distringas is taken out, tested the 30th of May, and returnable on the morrow of the Holy Trinity (18th of June) the Sheriff returns his issues—The Earl still refuses to appear—The Court orders five hundred pounds issues.—A pluries distringas is taken out, tested the first day of Trinity term (the 22d of June) and returnable in three weeks of the Holy Trinity (the 8th of July).—In November following Mr. WILKES was outlawed; then the Earl appeared, and pleaded the outlawry.

“ When I see a Secretary of State obstinately fighting with the laws of his country, using privilege to the utmost, notwithstanding it was the ground of the Royal complaint to the Commons against Mr. WILKES, availing himself of every practicable essoign, and, at length, withstanding all the process and penalties of a Court of Justice, to avoid trying the right of a transaction, which has never yet been directly

defendant, that he might be permitted to justify under the warrant, *in order to bring the matter fully and fairly before the Court* ; which the Court, after consideration, for *that reason*, and *that only*, allowed. But when the cause came to be tried, Mr.

directly given up ; and perhaps waiting for an outlawry of his prosecutor, in order then to mock the justice of his country still more, by entering an appearance to the suit against him, at a time when his prosecutor can no longer go on with it ? I protest, altho' an old, sober, private individual, that I lose my temper, look for redress from some other quarter, and feel myself inclined to join in an address to the Commons of England, to take up the consideration, and go on with the prosecution of that cause, which every freeman is interested in, and which the ordinary Courts of Justice have been so long foiled in. I remember what is Mr. LOCKE's definition of liberty ; what he makes the province of a court of judicature ; what the extent of the legislative power ; and what, according to him, creates a dissolution of all government.——Who, under such circumstances, would blame a Jury, should they at last have such a Secretary brought before them, for giving extraordinary, exemplary damages, *in terrorem* ! Especially, if they should have all imaginable foundation for believing the judgment, upon such verdict, will be delayed by every artifice of bills of exceptions, special verdicts, motions for new trial, writs of error, &c. that can be practised, in order to prevent all effect from it, and to overbear, in the long run, the poor prosecutor by dint of expence." *The Father of Candor.*

WOOD,

WOOD, by the advice of his Counsel, and to the surprize of the Chief Justice, deserted his justification, declined the opportunity which the Court had indulged him with, of bringing the validity of the warrant into debate, and resorted to the objection which had been urged in the trial of the Messengers, namely, that the Secretary of State was a Justice of Peace, and therefore ought to have been made a party defendant in the suit."

Mr. WILKES in his declaration complained, that Mr. Wood entered his house, made a great noise and disturbance, and staid therein twelve hours; broke open his locks, drawers, cabinets and scrutores, and took away his papers.

To this Mr. WOOD pleaded, *first*, Not Guilty: and, *secondly*, justified as to entering the house and staying in it half an hour, but did not mention a word about opening his drawers and seizing his papers, which was the *great trespass*. He stated the King's Speech of the 19th of April, 1763; the publication of the North Briton on the 23d; that Mr. WILKES was
publisher

publisher and author of that paper ; that the Messengers entered Mr. WILKES's house with a Constable ; that Mr. WOOD, being an assistant to Lord HALIFAX in his office, went to Mr. WILKES's to deliver a message from his Lordship, requiring the Messengers to hasten the execution of their warrant ; and upon that occasion he entered Mr. WILKES's house, the door being opened, and staid therein half an hour ; and that was all he did.

To this Mr. WILKES replied, that Mr. WOOD, without such *cause* as was by him alledged (which was denying the truth of the material fact, viz. "That Mr. WILKES was author and publisher") entered his house, and staid therein half an hour, which was putting this mighty plea in issue. The Jury, which was a special one, at the defendant's instance, found both *issues* for Mr. WILKES ; and, consequently, upon the second issue (the special justification) acquitted Mr. WILKES as author and publisher of the (original) North Briton, Number Forty-five ; and they gave him a thousand pounds damages. But a bill of exceptions, was,

was, as usual, tendered against it; and it was not until the spring 1766, that the money was paid*. However, this trial and verdict were highly interesting to the
Liberty

* It is said the following words closed the charge to the Jury on this important occasion:

“ This warrant is unconstitutional, illegal, and absolutely void; it is a general warrant, directed to four Messengers, to take up any persons, without naming or describing them with any certainty, and to bring them, together with their papers. If it be good, a Secretary of State can delegate and depute any one of the Messengers, or any, even from the lowest of the people, to take examinations, to commit or release, and, in fine, to do every act which the highest judicial officers the law knows can do or order. There is no authority in our law books that mentions these kinds of warrants, but in express terms condemn them.

“ Upon the maturest consideration, I am bold to say, that this warrant is illegal; but I am far from wishing a matter of this consequence should rest solely upon my opinion: I am one of twelve, whose opinions I am desirous should be taken in this matter, and I am very willing to allow myself the meanest of the twelve. There is also a still higher Court, before which this matter may be canvassed, and whose determination is final; and here I cannot help observing the happiness of our constitution, in admitting these appeals, in consequence of which, material points are determined on the most mature consideration, and with the greatest solemnity. To this admirable delay of the law (for in this case the law's delay may be styled admirable) I believe it is chiefly owing, that
we

Liberty of the subject; for every Englishman had now the satisfaction of seeing that his house was his castle; that he might, and in all probability in future would, sleep

we possess the best digested and most excellent body of laws, which any nation on the face of the globe, whether ancient or modern, could ever boast of. If these higher jurisdictions should declare my opinion erroneous, I submit, as will become me, and kiss the rod; but I must say, I shall always consider it as a rod of iron for the chastisement of the people of Great Britain."

A few minutes after this verdict was given for Mr. Wilkes, a man knocked at his door, desiring to speak with him on particular business; but it appearing by his dialect that he was a Scotchman, and being besides an entire stranger, he was refused admittance; on which he went away to a coffee-house near Parliament-street, where he was over-heard to declare, that himself and ten more men were determined to cut Mr. Wilkes off, let the event be what it would. The person who heard him make this declaration, immediately informed Mr. Wilkes of it by letter. Next morning the Scotchman came again to Mr. Wilkes's, bringing a letter signed Alexander Dun, the purport of which was, to beg an interview with Mr. Wilkes, on an affair of the most interesting nature. He was desired to call again at one o'clock, which he did accordingly; and seven o'clock being then appointed, as he was going out at the parlour-door, two gentlemen, who had placed themselves behind it, seized him by each arm, and flung him on his back. On searching him, a new penknife was found in his pocket, which he pretended he had purchased

sleep in peace and security, undisturbed by King's Messengers, or Secretaries of State's warrants. In a word, every man felt a comfort in being relieved from the fears of such visitants. There was not a word offered in justification of the seizure of papers, so fully were Mr. Wood's advocates convinced that this point was entirely indefensible : an attempt, indeed, was made to read one of them, but even this the Attorney General (Mr. NORTON at this time) treated as so abominable an imputation upon his character, that he disclaimed in the most solemn and public manner,

chased about nine months ago ; on being farther questioned, he said six months, and at last owned he bought it at Chatham about a fortnight since. Upon this he was taken immediately into custody by a Tipstaff, then present for that purpose, was carried next morning before one of the Judges, and a complaint likewise exhibited against him in the House of Commons, who thereupon ordered the Tipstaff, in whose custody he was, to bring him to the bar ; but when he was there, though not examined, the House were of opinion he was insane, and therefore discharged him.

It is the observation of Machiavel, that in all cases, not only of assassination, but of deep danger, no man should be employed who is always and entirely in his senses.

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the idea of making any use of such evidence so procured.——It is observable, that had this second plea of justification been found against Mr. WILKES, it would have been conclusive evidence of his being both author and publisher of the North Briton: this was the opinion of the Chief Justice; and if that would have condemned him, why ought not this verdict to have acquitted him? If any one doubts of this, he will find the doctrine is settled by the House of Peers. In Lord LOVAT's trial (page 74) witnesses were brought, who could prove that JOHN MURRAY, of Broughton, did not surrender himself within the time directed by the act of attainder of the 19th of King George the Second. The record of the Court of King's Bench was produced, in which JOHN MURRAY pleaded, that he did surrender himself; and the Attorney General confessed the truth of the plea; and tho' Lord LOVAT was no party to this record, and it was understood without doors to be entered up to make an use of MURRAY, yet the Lords would not suffer Lord LO-

VAT to adduce witnesses to contradict it, as it was a record of the highest nature, and could not be averred against. The importance of verdicts is universally acknowledged, and it is well known in how miraculous a manner that sincere friend to Liberty, Sir JOSEPH Jekyll, turned the House of Commons, by his memorable speech upon the consequences of a verdict in the case of the Marlborough election, that great man said, “ he would die on
 “ that spot before he would ever give his
 “ assent to, or permit to pass, in his hear-
 “ ing, without entering his solemn protest
 “ against it ; a determination so fatal to
 “ the constitution and to the fundamental
 “ principles of law, and which would be
 “ rejected with indignation in every Court
 “ of Justice in Westminster Hall.”

The trial of the action against Mr. WEBB, was postponed.

The expence of carrying on all these prosecutions was, undoubtedly, very great. What the exact sum was, is not material. Certain it is, that had not money been found somewhere, these proceedings of the

Secretaries of State, like all those of preceding Secretaries, would have been buried in oblivion, and these determinations so materially interesting to the public, and of such inestimable security to the Liberties of the subject, would not have happened. The merit, therefore, of these great events will be found, upon recollection, to be almost exclusively due to two persons; first, to Earl TEMPLE, for his public-spirited liberality and disinterested patriotism, in bringing these grievances before a Court of Justice; and next to the Chief Justice of the Court of Common Pleas, for his noble and intrepid resolution in declaring the law, and those great and important decisions which he made so much to his own honour and the glory of the English constitution.

While these prosecutions were carrying on, Mr. WILKES erected a printing press in his own house, and hired a number of journeymen Printers to reprint the North Briton in volumes, and other pieces, which he had found, by experience, other Printers would not undertake. This step was

not only very disagreeable to his friends, but contrary to their warmest and strongest remonstrances. They repeatedly represented to him the great and imminent danger of putting a set of low, illiberal fellows into the possession of some of his most valuable secrets, at a time so critical as this was, when it behoved government, at all events, to get at him, if possible. They foretold almost every one of those unfortunate consequences which followed from this obstinate, and, to him, most mischievous imprudence : but he was proof against all persuasion. The first production of his press, was, “ Proposals
 “ for printing, by subscription, the pro-
 “ ceedings of the Administration, in his
 “ case, price one guinea.” This was likewise disapproved by his friends. It carried with it an air of mendication to the public, which was below his character and the importance of his cause ; and did not fail of exciting severe ridicule, and censure from his enemies. His excuse for this act of folly, was, that a great number of his friends in the city,
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and elsewhere, most of whom he did not know, desired to see some channel opened through which they might convey their contributions towards carrying on the great cause of Liberty, in which they were all so materially interested. A few of the party, likewise, promised to subscribe, and others promised to do great things among their friends. But his most sincere and principal friends were so struck with the very mention only of this unaccountable supplication, that they begged of him, in the most pressing manner, not to distribute those proposals; which they assured him would infallibly injure him in the public esteem, without procuring him any real advantage whatever. This was exactly the case; the public did not approve of them, his pretended friends deceived him, and very few subscriptions were obtained.

The next piece he caused to be printed at his press was, part of an obscene

poem, entitled, " An Essay on Woman." But he permitted only twelve copies to be struck off, and while these were doing, he was always present, and took every possible precaution of secrecy, and to prevent any body about him from having a copy. But notwithstanding all his care, two or three copies were stolen by his workmen ; and these were shewn about as papers of curiosity to other Printers. At length a few pages fell into the hands of one *Hassel*, a workman who belonged to one Mr. *Faden*, a Printer in Fleet-street. This man and his master were said to have been indefatigable in attempting to bribe and corrupt all the Printers in Mr. WILKES's house, in order to get the remainder. To one man only five guineas were given, but he could not serve them. At length, however, they fixed upon one *Curry*, another of Mr. WILKES's workmen, who, after a short negotiation, supplied their wants ;
and

and afterwards became the tool of Administration in the prosecutions and other proceedings against Mr. WILKES.

The few pages which Mr. *Faden* had already obtained, he in the mean time had shewn to one Mr. *Kidgel*, at that time Chaplain to Lord MARCH, and that *pious* Clergyman was so shocked with the obscenity contained in them, that he was exceeding desirous of obtaining, "if such a thing was possible, the remainder of the work;" and in that case, it was first agreed upon between them, to reprint the poem with notes and remarks by Mr. *Kidgel*, in a series of letters in the Public Ledger, "a daily paper, of which Mr. *Faden* is the Printer." But upon "more deliberate reflection," they wisely apprehended greater emolument might be derived from it, by offering it up as an assistant to Government, to facilitate the intended destruction of Mr. WILKES. With this view Mr. *Kidgel* commu-

nicated the sheets to his patron Lord MARCH, who laid them before the Secretaries of State. From that moment it was resolved to prosecute Mr. WILKES for *publishing* this idle piece. It is but fair to remark, that if the work had been ten thousand times worse than it was, “ yet it would fall far short in infamy to the traitorous methods employed to bring it to a prosecution.” And Mr. WILKES’s own observation on this matter is too just, not to be convincing, “ That if the North Briton had never appeared, the Essay on Woman would never have been called in question.”

He next employed his press in printing the first forty-five numbers of the North Briton, in two volumes, with notes and some corrections; to which he also added a *third* volume, which has not yet been published. It was for this act of imprudence that he afterwards suffered. Hitherto he had made it his boast, that so ex-

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tremely

extremely cautious had the author of that North Briton been, the Ministry were not in possession of any legal and positive evidence against him. What a strange and unaccountable act of imprudence then was this, to furnish his enemies with the possibility only of obtaining evidence for his own destruction ! Earl TEMPLE repeatedly advised him against taking this unnecessary step, and took uncommon pains to convince him of the danger to which he exposed himself by it. But Mr. WILKES had laid down the plan of his conduct, and he was too firm in his resolution to make any alteration in it. All his friends joined in representing to him the folly and danger of introducing that printing press into his house ; but he was immoveable. Unfortunate man, who had the greatest cause of Public Liberty in his hands, which had ever agitated the minds of men, and refused to follow the advice of his friends ! Had he, upon his discharge

discharge by the Court of Common Pleas, rested himself contented and quiet, while his friends carried on all the necessary prosecutions against his enemies, he would have had the honour of all the victories; and the North Briton itself, as it was published in the city of London, and as there was not sufficient evidence to reach Mr. WILKES, must have been tried by a London Jury; and whether the sentiments of such a Jury might have agreed with those of the Westminster Jury, which was afterwards chosen, is not material, as the verdict could not have affected Mr. WILKES; therefore he might have been perfectly safe; and, as to the Publisher, it is very certain he would not have been friendless. In that case, Mr. WILKES must indubitably have triumphed over the Administration; and it is impossible to say what might not have been the consequences of a victory so complete and extensive. But the fairest prospect, and the most promising certainty of accomplishing, perhaps for ever, the ruin of that
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Administration, he precipitately destroyed, by wantonly and obstinately laying the foundation of his own.

However, the services which through him have been done to the Liberties of his country ; the incredible rage of more than brutal malice, and the inhuman spirit of persecution, by which he was unfairly crushed ; the defiance which his cruel enemies bid to every restraint of Law, Liberty and Justice, in order to destroy him ; and the compassion that is now due to his sufferings, ought to draw a veil over his political errors, and bury the remembrance of them for ever.

When he had finished printing the two volumes of the North Briton, and given the necessary directions for publishing them to the world at large, he retired to France for a few weeks. During his short stay at Paris, he was insulted by one Captain *Forbes*, a Scotch Officer in the French service, who undertook to revenge all the injuries done to his country by the North Briton, which no more belonged to him than to any other man ; but such
was

was then, and probably is still, the confederated enmity of the people of Scotland against Mr. WILKES, on account of that satirical paper, that it was no wonder to see this man heated with malice, and probably encouraged by money and promises from England, taking advantage of Mr. WILKES's residence in Paris, the more *securely* to execute his base and unprovoked design. Mr. WILKES declined fighting him at the instant of their first meeting in the public street, but told him where he lodged; the Captain came, but brought no second. The affair presently came to the ears of the Marshals of France, who put Mr. Wilkes under an arrest. *Forbes* took refuge in the house of ALEX. MURRAY, Esq; who formerly made so much noise in England, and who now afforded this man an asylum. However Mr. WILKES acquainted Mr. MURRAY, by letter, that he would meet *Forbes* at Menin, the first town in Austrian Flanders. But *Forbes* had fled to England, where it being soon known that he had served against the government in the Scottish

tish rebellion of 1745, his friends, to prevent his coming under the cognizance of the law as a rebel, procured him a commission in the service of the King of Portugal.

C H A P. XV.

Lord Bute returns from Harrowgate, and resolves to alter the Ministry. Negotiates with Mr. Pitt. Duke of Leeds proposed for President of the Council. That nomination opposed by Lord Bute. Death of Lord Egremont. Lord Bute meets Mr. Pitt. Conferences between his Majesty and Mr. Pitt. The negotiation breaks off, and why. Duke of Bedford made President of the Council, and Lord Sandwich Secretary of State. Lord Bute goes into the country. The rotten part of the Minority abandon their treacherous engagements. Mr. Charles Yorke resigns.

AS soon as the popular heats were a little subsided, the Earl of BUTE returned from Harrowgate; and being ever
unsteady

unsteady in his resolutions, he began to form a design of unmaking the administration he had so lately made ; or at least of making such alterations in it as should give it a new and different complexion. It had ever been his wish to restore Mr. PITT, but under such limitations as should leave himself in full possession of a secret and over-ruling influence ; and he had, for a considerable time, entertained himself with the hopes of accomplishing this darling plan of clandestine politics ; as nothing could so effectually secure him from the hatred of the people, and give permanency to his power in the court. And it is more than probable, he knew his channel of conveyance to Mr. PITT ; and that a communication had, for some time, been opened between them, else what reason can be given for Mr. BECKFORD's conduct, who was Lord Mayor of London at the time of making the peace, in not calling a Court of Common Council, to prepare and present petitions to Parliament against the Preliminary Articles. This behaviour would have been spirited, and worthy the metro-

metropolis of England, which so zealously condemned those articles, and the treaty itself. If that step had been taken, it is not very probable the vote of approbation would have been so much to the Favourite's Honour.

The Earl of GRANVILLE, President of the Council, had been dead some time, and the council-chair had ever since remained vacant. That circumstance seemed to afford an opening for his Lordship to try his intended experiments. The Ministers proposed filling the council-chair with the Duke of LEEDS, but Lord BUTE opposed their nomination, and they had not strength nor weight enough to insist upon it. That nomination was not agreeable to his Lordship's plan; which though not fixed, was yet sufficiently determined to dictate that exclusion. Therefore, the council-chair continued empty some time longer.

In September the Earl of EGREMONT died. This was an event the most favourable to Lord BUTE's designs that can be imagined, and he determined

terminated to strike the stroke immediately. He first employed Sir HARRY ERSKINE to open the matter to Mr. Alderman BECKFORD. Through this channel offers were made to Mr. PITT to come into the Administration. A conference was instantly agreed upon between the Principals, and Mr. BECKFORD's, in Soho-square, was fixed upon for the place of meeting. But afterwards Lord BUTE altered his mind, and did not chuse to go to Mr. BECKFORD's, but went in disguise, in the middle of the night, to Mr. PITT's own house in Jermyn-street. He found Mr. PITT extremely willing to re-possess his late Office; but the acceptance of another very important and most capital condition, which his Lordship wished, Mr. PITT obstructed with insuperable difficulties. It was, that the Earl of NORTHUMBERLAND should be first Lord of the Treasury. "When the Earl of BUTE found this project inadmissible, he resorted to a second expedient for gaining Mr. PITT, by proposing

posing such arrangements as might soften the removal of those among the King's servants, whom that Gentleman did not approve in the stations they then held; and he parted from Mr. PITT in a belief that the latter would engage in the Administration." In consequence of this opinion, Mr. PITT was introduced to the KING, at the Queen's palace, on Saturday the 29th of September 1763. What the particulars of this, and a second conference, which was held on the Monday following, were, have not transpired, nor in all probability ever will. The very few who are really acquainted with them, have too much confidence, and too much honour, to disclose secrets of so delicate a nature. But the reader cannot be totally at a loss to guess at some part of them, by what has been already related of what passed between Mr. PITT and Lord BUTE. Those conditions were such as Mr. PITT could not accept; and at the second conference, which he had the honour to have

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with his MAJESTY, he excused himself from then entering into his MAJESTY's service, upon which the whole negotiation broke off. Thus it is clear and undoubted, that Lord BUTE had the merit of bringing on this negotiation; and it may be added, without the least hazard of contradiction, that to him likewise belongs the merit of its miscarriage; for he began to be afraid of his own silly work. He probably considered, that the administration already in office, weak and incapable as he acknowledged them to be, would prove more tractable screens to his former misconduct, and the continuance of his power, than he should find Lord TEMPLE, Mr. PITT, and their colleagues, who he was assured would, if possible, annihilate his influence in business. His own heart, therefore, failing him, as it had done before, when he fled from his own victory and ran away to Harrowgate, he broke off the negotiation more precipitately than he brought it on. And the
many

many Noblemen and Gentlemen in the opposition, who had hastened to town in expectation of being gratified with good places, returned to the country with less pleasure than they left it.

There being an end for the present of this plan of administration, the subsisting Ministers were indulged with remaining in the offices they then held, and were permitted to call in such assistance as *they* thought most proper and necessary. In consequence of this permission, the Duke of BEDFORD, who had retired in a slight disgust soon after his return from France, was sent for, and desired to accept of the office of Lord President of his Majesty's Council. His Grace was a man of more weight and interest, and had been more experienced in business than the Duke of LEEDS, which, in all probability, were the reasons which led the Ministers from their former purpose. The superior character of the Duke, and the great strength he brought with him to the administration, gave it the appella-

tion of *the Duke of Bedford's Ministry*. Lord SANDWICH, who, in the last change, had been promoted to the Admiralty upon the interest of Lord HOLLAND, was now considered as the next most useful man, and him they resolved to make Secretary of State, in the room of the late Lord EGREMONT; and Lord EGDMONT supplied Lord SANDWICH's place at the Admiralty. When these arrangements were made, the administration thought themselves strong enough to face the Parliament. But to secure the stability of their system, and give it an air of permanency with the public, the obvious and necessary measure was to get rid of the fickle hand of the Favourite. Whilst that was hanging over them, their situations were apparently unsafe; therefore they demanded his absence. He assured them in the strongest manner, he would not interfere in any of their departments, nor in business of any kind. But they disregarded his promises, having found him deceitful; and having entered into a separate

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rate interest, by which they had acquired an independent strength, they firmly insisted upon it. Public business being now in a condition too nice and critical to hazard throwing the State into confusion, he was forced to comply; and consented to pass his winter at his new estate in Bedfordshire*. This maxim of banishing the Favou-

* *One of his Friends has given the following account of his conduct.*

The E. of B. had no hand in either of the two promotions just now spoke of; for, upon the failure of his system, he resolved to concern himself no more in the affairs of administration. He saw it impossible to mix in their consultations with friendly intercourse; a Minister being at the head of the Treasury whom he had so lately consented to displace for the sake of Mr. Pitt. He saw it to be equally impracticable, if he was willing, to offer secret advice to his Sovereign, independently of his official Ministers; for, if they had a spark of dignity, or even a grain of pride in their compositions, they could not continue a day in the K's service, after finding their sentiments in business, or recommendations to office, over-ruled, or other measures and promotions obtruded upon them, by a person with whom they had so recently been offended. He wrote a letter, therefore, (not to Mr. Grenville, or any other of the Ministers) but to his gracious Sovereign, humbly stating the resolution, which, for the K's service, as well as for his own ease, he had thought himself obliged to take; and then to remove, if possible, all

Favourite, did not, for a time, at least, afford that idea of security to the administration in the opinions of others, which it really produced. He was known to be

occasions of jealousy, he retired to his house in Bedfordshire for the whole ensuing winter 1763-4.

Now, because it is not my purpose to dress up an artificial tale, I do assert what I most sincerely and honestly believe, and think I have solid grounds for believing, that, from the period when his plan miscarried of strengthening Government by the acquisition of Mr. Pitt, in Autumn 1763, he hath been a private man, taking no share or part whatsoever in any of the proceedings of Administration, or acts of State, either by consultation with the servants of the Crown, or by discourse and secret suggestion to the high Personage who so worthily wears it.

The letter abovementioned gave Mr. Grenville no claim to expect of the E. of B. his retirement from the concerns of State ; no right to complain of breach of faith, if he should afterwards have stepped forwards and been received by the Crown into the management of affairs, either open or avowed, or secret and confidential ; because that letter had nothing in it of the nature of a compact with Mr. Grenville, or any other person : it could not possibly be any part of his inducements for continuing in office, after the slight he had met with in seeing Mr. Pitt so much preferred before him by the negotiation of September 1763 ; for the letter was not wrote 'till he had digested that indignity, and agreed to stay in the K——'s service ; nay, there was a passage in the letter, which expressly mentioned Mr. Grenville's determination to keep his employment, as an event that had then actually taken place.

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inconstant; the late negotiation manifested his power; and it was believed, and expected, he would soon re-appear; therefore many apprehended that the hostility now practised towards him, was imprudent, and might lay the foundation of a total change of Ministers. In the agitation of these hopes and fears, which were variously predominant, the rotten part of the Minority, who had deserted from the true friends of Liberty, and had entered into those infamous engagements to support General Warrants, and vote away the privilege of Parliament, already spoken of, now finding that the strength and popularity of the cause had shook the Administration, abandoned those engagements; because they thought the best *of the lay* was on the side of the Opposition. They believed there was a prospect of coming in with their friends, whom they had so lately offered to betray, and whose patriotic and spirited conduct they now confessed and extolled. They begged pardon of those friends, and solicited to be taken into favour. Good men are never

malicious : they were forgiven ; and tho' not quite clear of suspicion, that they would again desert, if there should be a probability of their getting into office, yet it was sensibly urged, that when a party is once formed, it must have numbers to give it weight, therefore these were better than none ; and if they agreed to defend and support Liberty, with the others who really loved it, it was not material what were their views. When these differences, therefore, no longer subsisted, and when, according to all human probability, and the sentiments of the best and wisest men of both parties, the administration, notwithstanding its late repairs, could not stand 'till the meeting of Parliament, the Hon. Mr. YORKE resigned his post of Attorney General. His reasons for leaving the Court are not of importance : perhaps he thought it would be most to his advantage to resign early, in order to have the merit of coming out a pure and unspotted Whig, to join the party of that name, who had twice changed their principles in
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the space of a few months. Sir FLETCHER NORTON was made Attorney General in his room.

C H A P. XVI.

The Parliament meets. His Majesty's message concerning Mr. Wilkes. Remark. The North Briton voted a Libel. Mr. Wilkes complains of a breach of privilege. Complaint against the Essay on Woman. Letters between Mr. Wilkes and Mr. Martin: Duel between them. Both Houses vote away privilege in the case of a Libel. Protest against it. Duke of Newcastle refuses to sign that Protest.

THE Administration having determined to meet the Parliament, the same was called on the 15th of Nov. 1763. All the necessary information sufficient to ground resolutions, perhaps already formed, for the condemnation, and if possible the destruction of Mr. WILKES, had by this time been procured. *Faden*, the Printer, had been extremely industrious; he had secured *Curry*, one of Mr. WILKES's journey men,

men, to become the thorough-paced tool of Government; and Mr. WEBB had been acquainted with the extraordinary evidence this man was ready to give. By these two worthy gentlemen, was one of Mr. WILKES's servants corrupted to betray his master's secrets, to become evidence against him before the Parliament, and the Courts of Justice, with respect to printing both the North Britons and the Essay on Woman. This fellow was the only positive evidence that Government could bring against Mr. WILKES. And he went through all this dirty work, with such dexterity and adroitness, that he seemed to have been well prepared and instructed, for this infamous business. The day of the meeting of Parliament, *Kidgel, Webb, Faden, Hassal, and Curry*, dined together and held a grand conference, at one of the Taverns in Westminster, in order, no doubt, to arrange and fix their weighty affairs.

As soon as the sessions was opened, Mr. WILKES (who had been some time returned from France) offered to make a
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complaint of a breach of the privileges of Parliament. But Mr. GRENVILLE, Chancellor of the Exchequer, had a message from the King to communicate to the House, and it was determined to hear that first: though a complaint of a breach of privilege generally takes place of every thing else. But this was not the only instance of the unexpected complaisance of the House of Commons to the views of the Crown. The message was to this effect:

“ That his Majesty having received information, that JOHN WILKES, Esq; a Member of that House, was the author of a most seditious and dangerous libel, published since the last session of Parliament, he had caused the said JOHN WILKES, Esq; to be apprehended and secured, in order to his being tried for the same, by due course of law; and Mr. WILKES having been discharged out of custody by the Court of Common Pleas, upon account of his privilege as a Member of that House; and having, when called upon by the legal process of the Court of King's Bench, stood

stood out, and declined to appear and answer to an information, which had been exhibited against him by his Majesty's Attorney General, for the same offence; in this situation, his Majesty being desirous to shew all possible attention to the privileges of the House of Commons, in every instance wherein they can be supposed to be concerned; and at the same time, thinking it of the utmost importance not to suffer the public justice of the kingdom to be eluded, had chosen to direct the said libel, and also copies of the examinations, upon which Mr. WILKES was apprehended and secured, to be laid before that House for their consideration."

[The reader will observe, that these papers were, the North Briton, No. 45, of the original publication, for which Mr. WILKES was never prosecuted; and the informations of *Kearsly* and *Balse*, neither of which were upon oath.]

Had Charles the First, when he was so desirous of seizing the five Members in 1641, acted with the same policy, he would most effectually have destroyed the

Liberties of England. But Charles was too precipitate ; and the House of Commons taking fire at his violence, from that moment resolved to resist him. The Ministers of George the Third, seem to have profited by that imprudence. The King wants a Member to be punished ; they do not advise his Majesty to come himself and seize him ; but to send a message. The House returned thanks for this message, and went directly into the consideration of the paper : and though, according to the message, the matter was clearly *sub judice*, and they had not heard what their own Member had to offer why it was not come to an hearing, yet they resolved, by a majority of 273 against 111, “ That the paper entituled, *The North Briton*, No. 45, is a false, scandalous, and seditious libel, containing expressions of the most unexampled insolence and contumely towards his Majesty, the grossest aspersions upon both Houses of Parliament, and the most audacious defiance of the authority of the whole Legislature, and most manifestly tending to alienate the affections of the
 people

people from his Majesty, to withdraw them from their obedience to the laws of the realm, and to excite them to traitorous insurrections."

Was not this pre-judging the law, and forestalling the opinion of a Jury? In order, however, to compleat their stigma, they ordered the paper to be burnt by the common hangman. Then Mr. WILKES was permitted to make his complaint of a breach of privilege, which he did as follows :

Mr. Speaker,

" I think it my duty to lay before the House a few facts, which have occurred since our last meeting, because, in my humble opinion, (which I shall always submit to this House) the Rights of all the Commons of England, and the Privileges of Parliament have, in my person, been highly violated. I shall, at present, content myself with barely stating the facts, and leave the mode of proceeding to the Wisdom of the House.

" On the 30th of April, in the morning, I was made a prisoner in my own house,

house, by some of the King's Messengers. I demanded by what authority they had forced their way into my room, and was shewn a warrant in which no person was named in particular, but generally the Authors, Printers and Publishers of a seditious and treasonable paper, entitled, *The North Briton*, No 45. The Messengers insisted on my going before Lord Halifax, which I absolutely refused, because the warrant was, I thought, illegal, and did not respect me. I applied, by my friends, to the Court of Common Pleas, for a Habeas Corpus, which was granted, but as the proper office was not then open, it could not immediately issue. I was afterwards carried, by violence, before the Earls of EGREMONT and HALIFAX, whom I informed of the orders given by the Court of Common Pleas for the Habeas Corpus; and I enlarged upon this subject to Mr. WEBB, the Solicitor of the Treasury. I was, however, hurried away to the Tower by another warrant, which declared me the Author and Publisher of a most infamous and seditious libel, intituled, *The North*

North Briton, No. 45. The word *treasonable* was dropt, yet I was detained a close prisoner, and no person was suffered to come near me for almost three days, although my Council, and several of my friends, demanded admittance, in order to concert the means of recovering my Liberty. My house was plundered, my bureaux broke open, by order of two of your Members, Mr. WOOD and Mr. WEBB, and all my papers carried away. After six days imprisonment I was discharged, by the unanimous judgment of the Court of Common Pleas, “ That the “ Privilege of this House extended to my case.” Notwithstanding this solemn decision of one of the King’s superior Courts of Justice, a few days after, I was served with a subpœna upon an information exhibited against me in the King’s Bench. I lost no time in consulting the best Books, aswell as the greatest living authorities; and from the truest judgment I could form, I thought that the serving me with the subpœna was another violation of the Privilege of Parliament, which I will neither
desert

desert nor betray, and therefore I have not yet entered an appearance.

“ I now stand in the judgment of the House, submitting, with the utmost deference, the whole case to their justice and wisdom, and beg leave to add, that, if, after this important business has in its full extent been maturely weighed, you shall be of opinion, that I am entitled to Privilege, I shall then be not only ready, but eagerly desirous, to wave that privilege, and to put myself upon a jury of my countrymen.”

The hearing of the matter of this complaint was put off.

In the House of Lords complaint was made of the Essay on Woman, which was produced ; that is, as much as the evidence, *Curry*, had stolen. Its obscenity and profanity were particularly execrated by the Earl of S. and the B. of G. complained of a breach of Privilege, his name being inserted in one of the notes.

Such was the business of the first day's session, with regard to Mr. WILKES. When he heard of the motion against him

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in the House of Lords, he was thunder-struck ; he had not the least suspicion that the Essay on Woman, in which he thought he had been so cautious, was to furnish a new accusation against him. Now, perfectly indifferent what he did, or whether he lived or died, grown desperate by misfortunes, and knowing the malice of his enemies, he came home on Wednesday morning (the 16th) the house having sat 'till that time, and wrote the following letter to Mr. MARTIN, who had insulted him the preceding evening.

Great George-street, Wednesday, Nov. 16.

S I R,

“ You complained yesterday before five hundred Gentlemen, that you had been *stabbed in the dark* by the North Briton, but I have reason to believe you was not so much *in the dark* as you affected, and chose to be. Was the complaint, made before so many Gentlemen, on purpose that they might interpose ? To cut off every pretence of ignorance as to the Author, I whisper in your ear, that every passage of the North Briton, in which
you

you have been named, or even alluded to,
was written by

Your humble servant,

J O H N W I L K E S."

Mr. M A R T I N's *Answer*.

Abingdon-street, Nov. 16, 1763.

S I R,

" As I said in the House of Commons yesterday, that the writer of the North Briton, who had stabbed me in the dark, was a cowardly, as well as a malignant and infamous, scoundrel; and your letter of this morning's date, acknowledges, that every passage of the North Briton, in which I have been named, or even alluded to, was written by yourself, I must take the liberty to repeat, that you are a malignant and infamous scoundrel, and that I desire to give you an opportunity of shewing me whether the epithet of cowardly was rightly applied or not.

" I desire that you may meet me in Hyde-Park immediately, with a brace of pistols, each to determine our difference.

" I shall go to the Ring in Hyde-Park, with my pistols so concealed that nobody

Q 2

may

may see them ; and I will wait in expectation of you one hour. As I shall call in my way at your house to deliver this letter, I propose to go from thence directly to the Ring in Hyde-park, from whence we may proceed, if it be necessary, to any more private place ; and I mention that I shall wait an hour in order to give you full time to meet me.

I am, Sir,
Your humble servant,
S A M. M A R T I N .”*

After

* The circumstances of the duel related by Mr. W. are as follow : when the Gentlemen met in Hyde-Park, they walked together for a little while to avoid some company which seemed coming up to them. They brought each a pair of pistols. When they were alone, the first fire was from Mr. M’s pistol. Mr. M’s pistol missed Mr. W. and the pistol in Mr. W’s hand flashed in the pan. The Gentlemen then each took one of Mr. W’s pair of pistols : Mr. W. missed, and the ball of Mr. M’s pistol lodged in Mr. W’s belly. Mr. W. bled immediately very much. Mr. M. then came up, and desired to give him all the assistance in his power. Mr. W. replied, that Mr. M. had behaved like a man of honour, that he was killed, and insisted on Mr. M’s making his immediate escape, and no creature should know from Mr. W. how the affair happened. Upon this they parted, but Mr. M. came up again in

After a series of adjournments, the Commons, on the 23d of November,

in two or three minutes to Mr. W. offering him a second time his assistance, but Mr. W. again insisted on his going off. Mr. M. expressed his concern for Mr. W. said the thing was too well known by several people, who came up almost directly, and then went away. Mr. W. was carried home, but would not tell any circumstance of the case 'till he found it so much known. He only said to the Surgeon, &c. that it was an affair of honour.

The day following Mr. W. imagining himself in the greatest danger, returned Mr. M. his letter, that no evidence might appear against him; and insisted upon it with his relations, that in case of his death no trouble should be given Mr. M. for he had behaved as a man of honour.

Mr. M. not at the same time returning Mr. W's letter, occasioned somebody to remark, "That in all probability it was kept in order to be made use of as a proof of Mr. W. being concerned in the North Briton. I own, said the remarker, that I cannot account for this behaviour of Mr. M. no more than I can for his tamely bearing above eight months, the abuse upon him. Has he been all this time (Sundays not excepted) practising at a target? That report is confirmed by all his neighbours in the country. Yet, after all, he did not venture to send to Mr. W. but before five hundred Gentlemen, ready to interpose, seemed to intend to begin a quarrel, I suppose, that it might end there. Mr. W. chose, coolly, to take it up the next morning, by a private letter to Mr. M. who insisted on pistols, without naming the sword, though the choice of weapons was, by the laws of honour, in Mr. W.

resumed the consideration of his Majesty's
 message, particularly the great and im-
 portant point of privilege. They had
 already voted the North Briton a libel,
 and now they were resolved to vote away
 privilege in the case of a libel, which
 they actually did, by a majority of 258
 against 133. A conference was then de-
 manded with the Lords, in order to com-
 municate to them the resolutions of the
 Commons, That the North Briton was a
 seditious libel, That it be burnt, and That
 privilege of Parliament does not extend to
 the writing and publishing seditious libels,
 and to desire the concurrence of the Lords ;
 who thereupon agreed with the Commons.
 This was such a surrender of the antient
 rights of Parliament, in mere compliment
 to the views and purposes of the Crown,
 that the most sensible and judicious people
 without doors began to be seriously a-
 larmed, and wonder'd how, in God's
 name, the Parliament could think of de-
 stroying their own personal security, to
 put an odium upon the Chief Justice,
 whose determination on privilege had
 given

given such universal satisfaction, and to cover, by that surrender, the blunders of a Minister, and the hitherto supposed mistaken opinions of the King's Lawyers. But this unbounded complaisance of the Parliament seemed to have been foretold, or rather pre-determined by the Attorney General ; for though his Majesty had declared in his message, that he had stayed the law proceedings against Mr. WILKES, on account of his privilege, yet, before this point was given up by the Parliament, the Attorney General treated Mr. WILKES as an unprivileged person, by serving him with a subpœna. In other times, it would have been consider'd as a most daring act of presumption in any servant of the Crown, to anticipate the determination of Parliament, but these times were full of lenity and forgiveness. Such an effort, however, not only superseded the intention of his Majesty, but conveyed dishonour upon the Parliament; for in May, his Majesty orders a prosecution against a Member of Parliament, who is served with a subpœna, but thinking his privilege violated by it a

second time, refuses to appear. His Majesty, tender of privilege, chuses that no coercive process should issue, and is desirous of receiving the sense of his Parliament upon the proceeding ; but before it can be taken (agreeably to his Majesty's wishes) the Attorney General presumes to renew a process, the propriety of which a House of Parliament was deliberating upon. If the service of the subpœna was clearly legal, where was the necessity of applying to Parliament ? If his Majesty had been advised that doubts had been entertained, what can be said in defence of the Attorney General, who arrogated to himself the authority of settling this great point (which alone impeded the original prosecution) at the very eve of a Parliamentary decision, so graciously desired by his Majesty. It was a piece of strange conduct : but the whole of this business was of one complexion.

The opposition in the House of Lords, to this surrender of privilege, was vigorous and powerful. It was managed and led by the Earl TEMPLE, who shewed himself

himself to be as zealous a defender of the privileges of Parliament, as he had been the securer of the liberties of the people; and though out-voted, yet he transmitted his opinion to posterity, in a protest that does infinite honour to his judgment and spirit. The reader will find it in the note *. And it is worthy of notice, that
at

* A P R O T E S T.

Die Martis, 29 Novembris, 1763.

THE order of the day for resuming the adjourned consideration of the report of the conference with the Commons on Friday last being read, the third resolution of the Commons was read as follows :

‘ *Resolved by the Commons in Parliament assembled,*

‘ That privilege of Parliament does not extend to
‘ the case of writing and publishing seditious libels,
‘ nor ought to be allowed to obstruct the ordinary
‘ course of the laws, in the speedy and effectual
‘ prosecution of so heinous and dangerous an of-
‘ fence.’

And it being moved to agree with the Commons in the said resolution,

The same was objected to. After long debate thereupon,

The question was put, Whether to agree with the Commons in the said resolution?

It was resolved in the affirmative.

Dissentient’.

BECAUSE we cannot hear without the utmost concern and astonishment, a doctrine advanced now,
for

at a previous meeting at Devonshire-house,
of such Lords as were expected to sign
the

for the first time in this House, which we apprehend to be new, dangerous, and unwarrantable, *viz.* That the personal privilege of both Houses of Parliament has never held, and ought not to hold, in the case of any criminal prosecution whatsoever; by which all the records of Parliament, all history, all the authorities of the gravest and soberest Judges, are entirely rescinded; and the fundamental principles of the constitution, with regard to the independence of Parliament, torn up and buried under the ruins of our most established rights.

We are at a loss to conceive with what view such a sacrifice should be proposed, unless to amplify, in effect, the jurisdiction of the inferior, by annihilating the ancient immunities of this superior Court.

The very question itself, proposed to us from the Commons, and now agreed to by the Lords, from the letter and spirit of it, contradicts this assertion; for whilst it only narrows privilege in criminal matters, it establishes the principle. The law of privilege, touching imprisonment of the persons of Lords of Parliament, as stated by the two standing orders, declares generally, That no Lord of Parliament, sitting the Parliament, or within the usual times of privilege of Parliament, is to be imprisoned or restrained without sentence or order of the House, unless it be for treason or felony, or for refusing to give security for the peace, and refusal to pay obedience to a writ of Habeas Corpus.

The first of these orders was made after long consideration, upon a dispute with the King, when the precedents of both Houses had been fully inspected, commented upon, reported, and entered in the journals,

the protest, the Duke of NEWCASTLE desired to be excused putting his name to it,

nals, and after the King's Council had been heard. It was made in sober times, and by a House of Peers not only loyal but devoted to the Crown; and it was made by the unanimous consent of all, not one dissenting. These circumstances of solemnity, deliberation, and unanimity, are so singular and extraordinary, that the like are scarce to be found in any instance among the records of Parliament.

When the two cases of surety for the Peace and Habeas Corpus come to be well considered, it will be found that they both breathe the same spirit, and grow out of the same principle.

The offences that call for surety and Habeas Corpus, are both cases of present continuing violence, the proceedings in both have the same end, *viz.* to repress the force, and to disarm the offender.

The proceeding stops in both, when that end is attained; the offence is not prosecuted nor punished in either; the necessity is equal in both, and if privilege was allowed in either, so long as the necessity lasts, a Lord of Parliament would enjoy a mightier prerogative than the Crown itself is entitled to. Lastly, they both leave the prosecution of all misdemeanours still under privilege, and do not derogate from that great fundamental, that none shall be arrested in the course of prosecution for any crime under treason and felony.

These two orders comprise the whole law of privilege, and are both of them standing orders, and consequently the fixed laws of the House, by which we are all bound until they are duly repealed.

The resolution of the other House, now agreed to, is a direct contradiction to the rule of Parliamentary privilege,

it, on account of his friend Lord HARD-
WICKE, who had declared his opinion
against

privilege, laid down in the aforesaid standing orders, both in letter and spirit. . Before the reasons are stated it will be proper to premise two observations :

First, That in all cases where security of the peace may be required, the Lord cannot be committed 'till that security is refused, and, consequently, the Magistrate will be guilty of a breach of privilege if he commits the offender without demanding that security.

Secondly, Although the security should be refused, yet, if the party is committed generally, the Magistrate is guilty of a breach of privilege, because the party refusing ought only to be committed 'till he has found sureties ; whereas, by a general commitment, he is held fast, even though he should give sureties, and can only be discharged by giving bail for his appearance.

This being premised, the first objection is to the generality of this resolution, which, as it is penn'd, denies the privilege to the supposed Libeller, not only where he refuses to give sureties, but likewise throughout the whole prosecution, from the beginning to the end ; so that, although he should submit to be bound, he may, notwithstanding, be afterwards arrested, tried, convicted, and punished, sitting the Parliament, and without leave of the House, wherein the law of privilege is fundamentally misunderstood, by which no commitment whatsoever is tolerated, but that only which is made upon the refusal of the sureties, or in the other excepted cases of treason or felony, and the Habeas Corpus.

If privilege will not hold throughout in the case of a seditious libel, it must be because that offence
is

against privilege. By this determination
(which the Lords came to without calling
in

is such a breach of the peace, for which sureties may be demanded; and if it be so, it will readily be admitted, that the case comes within the exception, 'Provided always, that sureties have been refused, and that the party is committed only till he shall give sureties.'

But first, this offence is not a breach of the peace; it does not fall within any definition of a breach of the peace, given by any of the good writers upon that subject; all which breaches, from menace to actual wounding, either alone, or with a multitude, are described to be acts of violence against the person, goods, or possessions, putting the subject in fear by blows, threats, or gestures. Nor is this case of the Libeller ever enumerated in any of these writers among the breaches of peace; on the contrary, it is always described as an act tending to excite, provoke, or produce breaches of the peace; and although a Secretary of State may be pleased to add the enflaming epithets of treasonable, traiterous, or seditious, to a particular paper, yet no words are strong enough to alter the nature of things. To say then, that a libel, possibly productive of such a consequence, is the very consequence so produced, is, in other words, to declare, that the cause and the effect are the same thing.

Secondly, But if a libel could possibly, by any abuse of language, or has any where been called inadvertently a breach of the peace, there is not the least colour to say, that the Libeller can be bound to give sureties for the peace, for the following reasons:

Because none can be so bound unless he be taken in the actual commitment of a breach of the peace,
striking

in the advice of the Judges) the Members
of both houses lie at the mercy of the
King's

striking or putting some one or more of his Majesty's
subjects in fear :

Because there is no authority, or even ambiguous
hint in any law-book, that he may be so bound :

Because no Libeller, in fact, was ever so bound :

Because no Crown Lawyer, in the most despotic
times, ever insisted he should be so bound, even in
days when the press swarmed with the most invective
and virulent libels, and when the prosecutions raged
with such uncommon fury against this species of
offenders ; when the law of libels was ransacked every
term ; when loss of ears, perpetual imprisonment,
banishment, and fines of ten and twenty thousand
pounds, were the common judgments in the Star
chamber, and when the Crown had assumed an un-
controulable authority over the press.

Thirdly, This resolution does not only infringe the
privilege of Parliament, but points to the restraint of
the personal Liberty of every common subject in these
realms, seeing that it does, in effect, affirm, that all
men, without exception, may be bound to the peace
for this offence.

By this doctrine every man's Liberty, privilege,
as well as unprivileged, is surrendered into the hands
of a Secretary of State : *he* is, by this means, em-
powered, in the first instance, to pronounce the pa-
per to be a seditious libel, a matter of such difficulty
that some have pretended, it is too high to be entrusted
to a Special Jury, of the first rank and condition ;
he is to understand and decide by himself the meaning
of every inuendo ; *he* is to determine the tendency
thereof, and brand it with his own epithets ; *he*
to adjudge the party guilty, and make him author of
pub

King's Attorney General, who may, on the suggestion of any of them being Libellers,

publisher as he sees good ; and, lastly, *he* is to give sentence by committing the party.—All these authorities are given to one single Magistrate, unassisted by Council, Evidence, or Jury, in a case where the law says, no action will lie against him, because he acts in the capacity of a Judge.

From what has been observed, it appears to us, that the exception of a seditious libel from privilege, is neither founded on usage or written precedents, and therefore this resolution is of the first impression ; nay, it is not only a new law, narrowing the known and ancient rule, but it is likewise a law *ex post facto, pendente lite, et ex parte* now first declared to meet with the circumstances of a particular case ; and it must be farther considered, that this House is thus called upon to give a sanction to the determinations of the other, who have not condescended to confer with us upon this point, 'till they had pre-judged it themselves.

This method of relaxing the rule of privilege, case by case, is pregnant with this farther inconvenience, that it renders the rule precarious and uncertain. Who can foretel where the House will stop, when they have, by one infringement of their own standing orders, made a precedent, whereon future infringements may, with equal reason, be founded ? How shall the subject be able to proceed, with safety, in this perilous business ? How can the Judges decide on these or the like questions, if privilege is no longer to be found in records and journals, and standing orders ? Upon any occasion privilege may be enlarged, and no court will venture, for the future, without trembling, either to recognize, or to deny it.

We

bellers, imprison their persons, merely for the sake of preventing their attending any
parti-

We manifestly see this effect of excluding, by a general resolution, oneailable offence from privilege to-day, that it will be a precedent for doing so by another, upon some future occasion, 'till, instead of privilege holding in every case not excepted, it will, at last, come to hold in none but such as are expressly saved.

When the case of the habeas corpus is relied upon, as a precedent to enforce the declaration, the argument only shews, that the mischief afore-mentioned has taken place already, since one alteration, tho' a very just one, not at all applicable to the present question, is produced to justify another that is unwarrantable.

But it is strongly objected, that if privilege be allowed in this case, a Lord of Parliament might endanger the constitution, by a continual attack of successive libels; and if such a person should be suffered to escape, under the shelter of privilege, with perpetual impunity, all government would be overturned, and therefore it is expedient to allow the privilege now, when the time of privilege, by prorogations, is continued for ever, without an interval.

This objection shall be answered in two ways. 1st. If inexpediency is to destroy personal privilege in this case of a seditious libel, it is at least as inexpedient, that other great misdemeanors should stand under the like protection of privilege; neither is it expedient that the smaller offences should be exempt from prosecution in the person of a Lord of Parliament; so that if this argument of inexpediency is to prevail, it must prevail throughout, and subvert the whole law of privilege in criminal matters, in which method of
rea-

particular vote or debate. Doubtless,
neither of the Houses conceived, by sur-
ren-

reasoning there is this fault, that the argument proves too much.

If this inconvenience be indeed grievous, the fault is not in the law of privilege, but in the change of times, and in the management of prorogations by the servants of the Crown, which are so contrived, as not to leave an hour open for justice. Let the objection, nevertheless, be allowed in its utmost extent, and then compare the inexpediency of not immediately prosecuting on one side, with the inexpediency of stripping the Parliament of all protection from privilege on the other. Unhappy as the option is, the public would rather wish to see the prosecution for crimes suspended, than the Parliament totally unprivileged, although, notwithstanding this pretended inconvenience is so warmly magnified on the present occasion, we are not apprized that any such inconvenience has been felt, though the privilege has been enjoyed time immemorial.

But the second and best answer, because it removes all pretence of grievance, is this, that this House, upon complaint made, has the power (which it will exert in favour of justice) to deliver up the offender to prosecution.

It is a dishonourable and an undeserved imputation upon the Lords, to suppose, even in argument, that they will nourish an impious criminal in their bosoms, against the call of offended justice, and the demand of their country

It is true, however, and it is hoped that this House will always see (as every Magistrate ought, that does not betray his trust) that their Member is properly discharged; but when that ground is once laid, they

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would

rendering this supposed privilege, they
thereby

would be ashamed to protect the offender one moment: surely this trust (which has never yet been abused) is not too great to be reposed in the high Court of Parliament; while it is lodged there, the public justice is in safe hands, and the privilege untouched; whereas, on the contrary, if, for the sake of coming at the criminal at once, without this application to the House, personal privilege is taken away, not only the offender, but the whole Parliament at the same time, is delivered up to the Crown.

It is not to be conceived, that our ancestors, when they framed the law of privilege, would have left the case of a seditious libel (as it is called) the only unprivileged misdemeanor. Whatever else they had given up to the Crown, they would have guarded the case of supposed libels, above all others with privilege, as being most likely to be abused by outrageous and vindictive prosecutions.

But this great privilege had a much deeper reach, it was wisely planned, and hath hitherto, thro' all times, been resolutely maintained.

It was not made to screen criminals, but to preserve the very being and life of Parliament; for when our ancestors considered, that the law had lodged the great powers of arrest, indictment, and information, in the Crown, they saw the Parliament would be undone, if, during the time of privilege, the royal process should be admitted in any misdemeanor whatsoever; therefore they excepted none. Where the abuse of power would be fatal, the power ought never to be given; because redress comes too late.

A Parliament, under perpetual terror of imprisonment, can neither be free, nor bold, nor honest;
and

thereby broke in upon the rights of the
people of England, in thus subjecting
their

and if this privilege was once removed, the most important question might be irrecoverably lost, or, carried by a sudden eruption of Messengers, let loose against the Members half an hour before the debate.

Lastly, as it has already been observed, the case of supposed libels is, of all others, the most dangerous and alarming to be left open to prosecution during the time of privilege.

If the severity of the law, touching libels, as it hath sometimes been laid down, be duly weighed, it must strike both Houses of Parliament with terror and dismay.

The repetition of a libel, the delivery of it unread to another, is said to be a publication : Nay, the bare possession of it has been deemed criminal, unless it is immediately destroyed or carried to a Magistrate.

Every Lord of Parliament then, who hath done this, who is falsely accused, nay, who is, tho' without any information, named in the Secretary of State's warrant, has lost his privilege by this resolution, and lies at the mercy of that enemy to Learning and Liberty, the Messenger of the Press.

For these, and many other forcible reasons, we hold it highly unbecoming the dignity, gravity, and wisdom, of the House of Peers, as well as their justice, thus judicially to explain away and diminish the privilege of their persons, founded in the wisdom of ages, declared with precision in our standing orders, so repeatedly confirmed, and hitherto preserved inviolable by the spirit of our ancestors, called to it only by the other House, on a particular occasion,

their Representatives to the possibility of such restraints.

and to serve a particular purpose, *ex post facto*, *ex parte*, *et pendente lite*, in the Courts below.

Temple,	Devonshire,	Fortescue,
Bolton,	Scarborough,	Grantham,
Grafton,	Dacre,	Walpole,
Cornwallis,	Abergravenney,	Ponsonby,
Portland,	Fred. Litch. Cov.	Folkestone.
Bristol,	Ashburnham,	

C H A P XVII.

Continuation of the proceedings against Mr. Wilkes. He retires to France. Cards between him and Mr. Martin, at Paris. Account of the Witnesses against him. Voted the Author of the North-Briton, and expelled. Remarks. The information against him altered by the order of Lord Mansfield. Letters sent to his Jury. Found guilty, and outlawed.

IN the progress of the three resolutions which Parliament had come to, the Administration repeatedly declared, that Mr. WILKES was not in the predicament of a charged man; that these proceedings affected him no more than any other Member; and that nothing which immediately concerned him should be agitated in his absence. Yet, notwithstanding every Member of the House of Commons knew he was confined to his bed by his wound, on the first of December notice

was taken, that in the examination of *Kearfly* and *Balfé*, laid before the House (which were disclaimed, even as a species of evidence, before they were read) Mr. WILKES is mentioned, as having been concerned in the writing and publishing the North Briton; and the House being informed that there was evidence ready to be produced at the bar, charging Mr. WILKES with being the Author and Publisher of that paper, it was ordered that Mr. WILKES should attend the House on the 8th day of that month, to answer that charge. This was not only a manifest breach of a public promise, and a gross deviation from all candour; but charging Mr. WILKES with being the Publisher, was an innovation that exceeded the limits of the King's message, which seemed to have been fairly and most fully answered by the determination of privilege. On the 7th Mr. WILKES's Physician and Surgeon attended the House, with an account of his ill state of health; upon which a further day was appointed for his attendance; and it then appearing that Mr.

WILKES

WILKES was still unable to attend the House, the 19th of January, 1764, was appointed. And his complaint of a breach of privilege, which had, from time to time, been adjourned, was ordered to be heard on the same day; when it fell of course. But before that time Mr. WILKES withdrew to France. The principle of this retreat was obviously fear; and indeed there seems to have been cause sufficient to frighten a more intrepid person. There was a prosecution against him in the King's Bench for the North Briton, and another for the Essay on Woman; for neither of which he could expect mercy, if a Jury found him guilty. There were besides, the vengeance of the Lords, and the whole weight of the Crown: any one of which was enough to crush an ordinary man. He had likewise the misfortune to be pre-judged; both papers having been voted libels by the Parliament, before the sense of a Jury had been taken: so that he was reduced to the alternative of staying and becoming a martyr, or with-

[drawing till the malice of his enemies was abated. He wisely chose the latter.

Upon Mr. WILKES's arrival at Paris, he was complimented by Mr. MARTIN (who had fled thither in consequence of their late duel) with the following card :

Hotel de Luynes, Dec. 30, 1763.

“ Mr. MARTIN presents his compliments to Mr. WILKES, and desires to know how he does, flattering himself, from Mr. W's performance of so long a journey, at this season of the year, that his health is perfectly re-establish'd.

“ Mr. M. cannot help taking this opportunity to assure Mr. WILKES, that he had desired Mr. BRADSHAW to deliver up Mr. W's note, written to Mr. M. on the 16th Nov. as it occurred to the latter that any imaginable use might be made of it to Mr. W's prejudice, and before Mr. M. had heard from Mr. BRADSHAW that it was actually given up.

“ Mr. M. returns his thanks to Mr. W. for his attention to Mr. M's safety, by giving the early notice he did to Mr.

BRAD-

BRADSHAW, of his apprehending himself to be in danger.

“ It is impossible for Mr. M. to think of taking part in any affair of Mr. W’s that he may find depending in the House of Commons at his arrival in England. He proposes to set off from hence on his return home on Monday next, but believes he shall not set foot in London till those affairs are determined, to avoid even a colour of suspicion that he is capable of appearing against Mr. W. after what hath so recently happened.”

To which Mr. WILKES returned the following answer :

*Hotel de Saxe, Dec. 30.
Friday.*

“ Mr. WILKES’s compliments to Mr. MARTIN, and is much oblig’d by the favour of his note. Mr. W. is going to pay his respects to Lord HERTFORD, and if Mr. MARTIN is disengag’d, will afterwards wait upon him for a quarter of an hour, at the Hotel de Luynes.”

They

They met at the Hotel de Luynes; and Mr. MARTIN, upon his return to England, kept his promise, in not attending the Parliament.

On the 19th of January, when the order of the day was read for Mr. WILKES's attending in his place to answer the charge ready to be produced against him, the Speaker acquainted the House that he had received a letter, and a paper inclosed, from Mr. WILKES (which the reader will find in the note *) relating to

Paris, Hotel de Saxe, Jan. 11. 1764.

* “ Sir,

“ I cannot express the concern I am under, from the impossibility I now find of attending my duty in Parliament on the 19th of this month: I have suffered very much from the tour I made here in the holidays to see my daughter: my wound is again become extremely painful, the parts are very much inflamed, and a fever attends it. I inclose a certificate of one of the King's Physicians, and a Surgeon of the army, gentlemen of eminence in their profession, who think it absolutely necessary for me to stay some time longer at Paris. I refer to the certificate itself for the particulars.

“ The impatience I feel to justify myself to the House, from the groundless and cruel attacks upon me, and the zeal I hope ever to retain for the vindication of the sacred rights of the Commons of Great Britain,

to the state of Mr. WILKES's health, and to the impossibility of his being able to attend the House on that day. A motion was then made to adjourn the consideration of the order of the day, but it was carried in the negative, by a majority of 239 against 102. Upon which the House resolved, that Mr. WILKES, by withdrawing himself, was guilty of a contempt of the authority of that House, and,

Britain, and the privileges of Parliament, both of which have been grossly violated in my person, had determined me to set out for England on Friday next, but I now find myself incapable of performing the journey. I am therefore, Sir, under the necessity of intreating you to submit my case to the House, and I doubt not, from their justice, a more distant day will be appointed, when it may be in my power to attend the discussion of points very important in themselves, and in which I am very materially concerned.

“ I would not, Sir, implore this of the House, if I thought the delay could be attended with any possible inconvenience to the public; and I beg to observe, that I seized the first moment, which the resolutions of Parliament gave me, to enter my appearance to the informations filed against me in the King's Bench. I am, with due respect and regard,

Sir, your most obedient humble servant,

JOHN WILKES.”

Right Honourable

Sir John Cust.

“ Nous

and, therefore, they would proceed to hear the evidence against him. The reader will observe, that, from the state of the proceedings hitherto related, it is evident, that the complaint against Mr. WILKES was confined to the *original* publication of the North Briton; that is “the printed paper” so often alluded to in the resolutions upon the journals; the writing of which is the avowed and *only* object of the

“ Nous soussignes medecin consultant du Roi, ci devant medecin en chef des s^s armées en Allemagne et en Espagne, et nous chirurgien consultant des armées, et chirurgien major du regiment des Gardes Francois, certifions que Monsieur Jean Wilkes est dans un etat que ne lui permet point, tant par raport a sa blessure qui n'est pas encore entierement cicatrisee, que par raport a la fièvre qui lui est survenue d'entreprendre la rout de Paris a Londres; qu'il seroit a craindre, un l'inflammation et le hournoufflement considerable arrives depuis peu de jours, qu'il ne se format une hernie a la quelle, il ne seroit point possible de remedier, que pour prevenir cet accident, dont il est menace et que mouvement violent, tel que celui d'une chaise de poste, et l'agitation de la mer ne manqueroient pas de determiner, il est absolument indispensable qu'il reste encore quelque tems a Paris. En foi de quoi nous lui avons delivre le present certificate. *A Paris, 11 Janvier 1764.*”

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DUFUARE.

King's

King's message. The examinations of *Kearsly* and *Balfe*, have relation to *only* that paper ; consequently, Mr. WILKES could be charged with only that publication. But the House ordered one and twenty witnesses to attend, most of whom could only prove the *re-publication* ; that is, the printing the North Britons in volumes ; which was not before the House. The names of the witnesses were,

William Johnstone, Bookseller; he could only prove some trivial intercourse with Mr. WILKES, relative to the North Briton in its infantine state.

Richard Balfe, and *George Kearsly* (the original Printer and Publisher of the North Briton, Number 45) were not examined, informations being filed against both in the King's Bench. Upon the trial between Mr. WILKES and Mr. WOOD, they were excused giving any testimony, lest such evidence might tend to their own condemnation. But the letters, and other papers, seized at *Kearsly's*, were read.

Andrew Millar, Bookseller, and *Thomas Cadell*, his apprentice, could only prove Mr.
WILKES

WILKES having offered to treat with Mr. *Millar* about publishing the first Number of the North Briton, which he declined.

Charles Shaw (*Balfe's* apprentice) could only prove the printing of the North Briton, Number 45, but he knew not where the proof sheet went.

Anne Balfe was not obliged to give evidence against her husband.

Jonathan Scott could only prove Mr. WILKES's hand writing.

William Richardson, Printer, could only prove the publication of the first twenty five numbers.

All the other witnesses (who were the Printers that had worked in Mr. WILKES's house) could speak only to the *re-publication*; and all of them, except *Curry*, were extremely unwilling even to do that.

Curry then was the grand and *only* evidence upon which the House was to determine the authorship of Mr. WILKES. This man did not even know Mr. WILKES until some months after the forty-fifth number of the North Briton had been published. He could only say, that being

a workman in Mr. WILKES's house, he was one of those who *re-printed* all the North Britons in volumes for Mr. WILKES, and by that gentleman's order. He could say nothing but what related to the *republication*, or rather the *reprinting*, of those papers. And as to the Essay on Woman, he acknowledged, that he had received money for furnishing a copy of that, which he had taken out of Mr. WILKES's house. After several motions for adjourning, all of which were carried in the negative, the House, at length, resolved, without a division, or any other evidence, that Mr. WILKES was guilty of *writing* and publishing the North Briton; and then they immediately expelled him; which was also carried without a division. To people, without doors, these proceedings appeared unaccountably strange and precipitate. Mr. WILKES had been served with a subpoena, and he had entered his appearance to the prosecutions against him in the Court of King's Bench, where the matter *must*, if the Attorney General pleased, be determined within

within a month at farthest. What need was there then of this pre-judging his cause, and pre-determining his guilt while the matter was clearly *sub-judice* in Westminster Hall? A month's patience in the House of Commons could not hinder the course of justice. Why then was he put to the sad and affecting necessity of revealing his defence so near his trial? Was it merely to obviate a motion of expulsion; or was it to give the Crown Lawyers an opportunity of knowing and anticipating his defence upon the day of trial? or upon what principle can this rapid proceeding be justified? Surely it would have shewn a more tender regard for the Liberties of the subject, and the constitutional principles of government, to have declined this grand attack until the Court below had determined the point. It would have been more humane, and more generous. And what material difference could arise in the trivial delay of a month, at farthest, to the discussion of

of a question of such extraordinary magnitude ?

Here ended the consideration of the royal complaint. The Commons could do no more. They had arraigned, found guilty, and punished. It now remained for Westminster-hall to do its part ; and there the Court of King's Bench seemed to follow the example of the House of Commons ; that is, Mr. WILKES was tried by the evidence that related only to the *re-publication* ; which proved to a demonstration, that Government had not evidence sufficient to reach Mr. WILKES upon the *original* publication ; for upon the acquisition of *Curry*, the Attorney General deserted his *first* prosecution, and *ex officio* filed a second information against the North Briton, that was *re-printed* in Mr. WILKES's house ; to prove which fact *Curry* was the evidence. But when this cause stood ready for trial, and a very short time before it was to come on, *Francis Barlow*, of the Crown-office, received directions from Mr. WALLACE, or Mr. WEBB, to apply to a Judge to get the

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information against Mr. WILKES amended, by striking out the word "*purport*," and inserting in its stead, the word "*tenor*." Upon which *Barlow* applied to Lord MANSFIELD, and obtained a summons to shew cause why it should not be so amended; and Mr. PHILIPPS, Mr. WILKES's Solicitor, attended Lord MANSFIELD, at his house in Bloomsbury-square, on Monday the 20th of February 1764, (which was the day before Mr. WILKES's trial) in consequence of that summons. Lord MANSFIELD asked him, what objections he had to such an amendment? he answered, that he could not consent: upon which Lord MANSFIELD said, he did not ask his consent, but wanted to know what were his objections; and asked, if it was not usual to amend informations, or to that effect. Then having read some precedents, out of a book which his Lordship had in his hand, he made a written order to amend the said information in the manner applied for. Possibly, if this error had not been discovered and corrected, Mr. WILKES's Counsel,

Counsel, in case of his being found guilty, might, and did probably intend, to have moved in arrest of judgment. But no security to the Crown, against Mr. WILKES, being left unguarded, he had nothing to trust to but a Jury; and even in obtaining this most sacred and indisputable right of Englishmen, a very strange and unaccountable step was taken by somebody, whom no pains have yet been sufficient to discover. Letters were sent to several of the Jury, signed "*Summoning Officer*," acquainting them that Mr. WILKES's trial was put off to another day; which prevented those to whom these letters were sent, from attending their duty at Westminster-hall, at the real time of his trial. Whether the advantage or injury of Mr. WILKES was the object of these letters, does not positively appear. The Jury which tried him for the North Briton found him guilty; as did also that which tried him for printing the Essay on Woman; and he not appearing to receive sentence, was outlawed in the course of a year.

C H A P. XVIII.

Illegal proceedings against Mr. Wilkes brought under consideration. Meeting of the Minority to settle their motions. Complaint against Mr. Wood and Mr. Webb ; discharged. Motion to condemn General Warrants : Adjourned for two days. Resumed : The question altered and narrowed. Mr. Pitt's vindication of himself in having issued such warrants. Duke of Newcastle's request of his friends. The Question not sub judice ; yet adjourned for four months. List of the Minority. Motion for a bill : rejected. Minority blamed for not moving against the seizure of papers, and other offences. Views of both parties.

WHEN Parliament had done its utmost, and all its proceedings against Mr. WILKES were finished, and when the Crown, and the honour of the Crown, were both satisfied and vindicated, then the consideration of the illegal proceedings of Government was taken up.

up. The matter was opened to the House upon *general grounds*, arising out of the complaint against Mr. WILKES at the beginning of the session, and so purely for the honour and dignity of the House, and the rights of the subject, without the least regard to individuals, that it was, by the direction of the House, formed into a complaint of a breach of privilege, committed by Mr. WOOD and Mr. WEBB, and the Messengers, in imprisoning Mr. WILKES, and seizing his papers. Another motion was made to lay the warrant before the House, by which Mr. WILKES had been apprehended. This would have led to a positive determination, as far as the opinion of one branch of the legislature can be called so, of the legality of that warrant; for the justification of the gentlemen complained of must have depended upon the validity of it. But this second motion was rejected, and the matter of complaint was ordered to be heard on the 13th of February, 1764. Conferences, in the mean time, were held by some of the then principal persons in the Minority, for the

management of this business, particularly at Sir GEORGE SAVILE's, where the motions were settled, at a meeting consisting of Sir *Anthony Abdy*, Sir *William Baker*, *Peter Burrell*, Esq; *Lord John Cavendish*, *John Dodd*, Esq; *William Fitzherbert*, Esq; *Col. Fitzroy*, Right Hon. *James Grenville*, *Serjeant Hewitt*, *Sir William Meredith*, *Lord Middleton*, *George Onslow*, Esq; *Col. Onslow*, *Robert Pratt*, Esq; *Sir George Savile*, *Thomas Townshend*, jun. Esq; *Hon. Thomas Walpole*, and *John Whyte*, Esqs. On the 13th of February the matter of complaint was adjourned to the 14th. On that day it was entered into; and the facts having been fully examined, it became necessary to condemn the warrant, in order to establish the breach of privilege which had been committed under it. For this reason the following general question was proposed, "That a warrant for apprehending and seizing the Author, Printers, and Publishers, of a seditious libel, together with their papers, is not warranted by law." Yet the consideration of this question was declined, in order to discharge

discharge the complaint against Mr. Wood and Mr. WEBB, previous to the examination into the legality of the warrant; upon what ground of reason, law or justice, is not easy to be conceived, there being such a connection between the warrant, and the persons complained of, that *the House had determined* nothing could separate them in the beginning; nothing therefore could equal the inconsistency of first discharging the order of complaint, and then going into the consideration of the legality of the warrant. The House having sat till half an hour past seven in the morning of the 16th, the question was put to adjourn to the 17th, which, tho' so late in the morning, and many staunch friends to the Minority known to be gone home, was carried but by a small majority, only 208 against 184; which, considering the very great superiority the Administration had had upon all the other divisions, was considered as a kind of victory over them; and it was universally believed, that on the 17th they would be totally defeated. However, on the 17th

the Administration, by several motions and alterations, narrowed the ground of the general question, in order to bring it to the individual warrant that had issued, and to add thereto facts relative to the practice of Secretaries of State and Courts of Law. At last the resolution adopted by the House for its question was this, " That a general warrant, for apprehending and seizing the Authors, Printers and Publishers of a seditious and treasonable libel, together with their papers, is not warranted by law; altho' such warrant has been issued according to the usage of office, and has been frequently produced to; and so far as appears to this House, the validity thereof has never been debated in the Court of King's Bench, but the parties thereupon have been frequently bailed by the said Court." And the Lawyers were the principal persons who moved and enforced all these narrowing, qualifying, and apologizing amendments.

Much had been already said of the practice and usage of office, in order to give a colour of justification for the conduct of

Lord

Lord HALIFAX; the administration had called for papers and volumes of records, in order to justify their proceedings by that usage; and Mr. PITT being in the House, and a very warm advocate for the question, his administration was quoted as a sanctification of such usage. It is true, that in the office-papers which were produced, there did appear to have been two such warrants issued by Mr. PITT; one for the seizure of certain persons on board a ship going to France; the other for apprehending the *Count de St. Germain*, a foreigner, and supposed to be a spy. These were issued in the midst of a war with France, not for libels, but as in cases of high treason; and the cause justified the proceeding. “He acknowledged they were against law; that in one of them he consulted his friend, the Attorney General at that time, (now Lord CAMDEN) who told him, *the warrant would be illegal, and if he issued it he must take the consequence*; nevertheless, preferring the general safety in time of war, and

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public danger to every personal consideration, that he run the risk (as he would of his head, had that been the forfeit, upon the like motive) and did an extraordinary act, against a suspicious foreigner just come from France ; that he was ready to answer it before his country, if they called him to an account ; and that in his opinion, the apparent necessity of the thing, and the real exigency of the time, must always be the test, and alone vindicate, and be the safeguard of any Minister, who, at a crisis, exceeds the known laws of his country."

The Duke of Newcastle's administration was quoted with more propriety. It was asserted, that his Grace had issued an infinite number of these warrants. Though the fact was undeniable, yet such usage could not *justify* what was *illegal* ; for usage in matters of law that are doubtful, is a good expositor of the law ; but usage against law is oppression. Therefore, the Duke of NEWCASTLE was as liable to censure for his conduct as Lord HALIFAX ;

FAX ; and it must be acknowledged, that his Grace had requested, previous to this question being settled at the private meetings, “ That no personal regard to himself might influence the conduct of his nearest relation or friend ; for that he should be sorry, if, from that tenderness of his friends to him, the future exercise of a power, which was of such consequence to the public, should not be prevented.” But as no censure was intended against Lord HALIFAX, the Duke of NEWCASTLE might with great safety make this declaration. When the Administration found that no justification, no precedents, no usage of office, would avail ; that the illegality of the warrant was strongly and positively asserted by Mr. PITT, and many others ; and that the Crown Lawyers did not venture to dispute it, they changed their argument, and went upon the impropriety of deciding in Parliament, a question then depending in a Court of judicature. It was affirmed, that in the cause then depending in the Court
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of Common Pleas, between Mr. WILKES (who then was not outlawed) and Lord HALIFAX, this great question concerning the illegality of the warrant must come in issue, as it was the great point upon which that cause must turn: the question being therefore a mere point of law, and clearly *sub judice*, it ought to be left to the free determination of the Judges, and the sense of a Jury, without an attempt to bias them by a previous resolution of Parliament. Surely these gentlemen had forgot what they themselves had so vigourously promoted and done in the beginning of the Session. While the North Briton was under prosecution in the Court of King's Bench, and some months previous to any determination being had in the Court, they took up the consideration of the paper in Parliament, "and upon the mere view of it, without enquiring into the truth of any circumstances that the author might rely upon, or the Public's opinion of his intent thereby, determined it to be a libel; and yet this is not only what
great

great Judges esteem a mere point of law, but what by some is held to be a very difficult point of law. They went further ; for they afterwards called for evidence, in order to find out who was the author ; and it appearing to them, although by witnesses not upon oath, and some who did not know Mr. WILKES, till several months after the fact was committed, that Mr. WILKES was the author, they expelled him ; after setting and deliberating upon their conduct till half an hour after three in the morning. Now this last is a fact which by the constitution of this country is to be tried by a Jury. Nay, the Commons came to both these resolutions, whilst the same matter was in a course of trial before a Jury in the Courts below." But this question of the illegality of the warrant was not in a course of determination in the Courts below. It was admitted, indeed, by the Lawyers in the Minority, that in Mr. WILKES's action against Lord HALIFAX, the question *might* come in issue ; but
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there was a doubt, nay, there was an almost certainty, that that action *never* would come to trial ; privilege on the side of the Secretary of State, and inability on the side of Mr. WILKES, had hitherto prevented it, and in all probability would prevent it for ever. The fallacy of this objection being manifest, the minority went into the importance of the general question ; they affirmed it to be of the utmost consequence to the Liberty of the subject ; the very essence of private and personal liberty depended upon it ; the minds of the public were extremely agitated ; and a decision was expected, for the satisfaction of the present age and the security of future times. Still the Administration adhered to their principle of the impropriety of coming to any determination upon a point of law, while it was depending in the Courts of Justice. They moved therefore to adjourn the debate to that day four months. And at half an hour after five in the morning, of the 18th, the question to adjourn was put, and

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carried by 232 against 118. The names of the Minority the reader will find in the note*.

When

* *A LIST of the MINORITY upon the largest division ; with the absent Members supposed to be in that Interest.*

SIR Anthony Abdy	William Burt
George Adams	Peter Burrell
Maj. Gen. A'Court	Bartholomew Burton
William Aislaby	Col. Richard Burton
Lord Viscount Allen	John Butler
Thomas Anson	Plummer Byde
Hon. Andrew Archer	Peregrine Bertie
Sir George Armitage	Col. Calcraft
William Ashburnham	Nicholson Calvert
Pierce Ashe A'Court	John Calvert
Sir John St. Aubin	Pryse Campbell
Sir William Baker	Daniel Campbell
Sir John Barrington	Right Hon. Lord George
Charles Barrow	Cavendish
Col. Barre	Major Gen. Lord Fred.
Benjamin Bathurst	Cavendish
Aubrey Beauclerk	Lord John Cavendish
William Beckford	Sir Thomas Cave
William Bentinck	Anthony Champion
Wilbraham Bootle	Hon. Wm. Chetwynd
Crab Bolton	Nath. Cholmondeley
Edward Bouverie	Thomas Cholmondeley
Sir Piercy Bret	Sir Kenrick Clayton
Henry Bridgman	William Clayton
Sir Brook Bridges	Charles Cocks
John Buller	Sir William Codrington
James Buller	Wenman Coke
John Bullock	Sir George Colebrook
	Hon.

When the debate was over, Sir JOHN PHILIPPS moved the House for a bill to declare

Hon. Lt. Gen. Conway	Rt. Hon. James Grenville
George Cooke	Lord Grey
Velters Cornwal	Major General Sir John
Thomas Coventry	Griffin Griffin
Henry Curwen	Thomas Grosvenor
John Damer	James Grant
Sir Edward Deering	Lord Galway
George Delaval	Sir Thomas Hales
George Dempster	Capel Hanbury
John Dodd	Harbord Harbord
William Dowdswell	Hon. Thomas Harley
Sir Francis Drake	John Hervey
Lee Dummer	Hon. Capt. Will. Hervey
Edward Elliot	Serjeant Hewit
Sir John Elwel	Rowland Holt
Sir Matt. Featherstone	Lieut. Gen. Honeywood
Saville Finch	Lieut. Gen. Howard
Brice Fisher	Lord Viscount Howe
William Fitzherbert	Hon. Col. Howe
Major Gen. Fitzwilliam	George Hunt
William Fitzmaurice	Richard Hufsey
Col. Charles Fitzroy	Thomas Hutchins
Thomas Foley	George Jennings
Brook Forrester	Col. Irwin
Thomas Foster	Thomas Knight
Rose Fuller	Sir Robert Ladbroke
Thomas Fuller	Major Gen. Lambton
Lord Gage	Edwin Lascelles
Sir John Gibbon	Daniel Lascelles
Capt. Sir Alex. Gilmore	Edward Lascelles
Richard Glover	William Lawrence
Sir Richard Glynn	Peter Legh
Francis Godolphin	Sir Robert Long

Simon

declare General Warrants and the seizure
of Papers, illegal, by an act of Parlia-
ment ;

Simon Lutterel	Edward Popham
Joseph Mawbey	Harcourt Powell
Joseph Mellish	Mackworth Praed
Sir William Meredith	Robert Pratt
Sir George Metham	George Prescot
Hugo Meynell	Richard Price
Lord Visc. Middleton	Hugh Price
Richard Middleton	Chase Price
Lord Middlesex	Sir Wm. Beauch. Proctor
Richard Mills	Henry Pye
Lord Charles Montagu	William Plummer
Edward Morant	Martin Rebow
Sir John Morgan	John Roberts
Thomas Morgan	Hon. Tho. Robinson
Thomas Morgan, jun.	Lord Royston
Capt. Charles Morgan	John Rushout
Sir Roger Mostyn	Dennis Rolle
James Murray	Lord George Sackville
Arnold Nesbit	Sir George Savile
Lord Newnham	Sir Charles Saunders
Thomas Noel	Hon. Edwin Sandys
John Norris	James Scawen
Henry Onely	Fitzroy Scudamore
George Onslow	Charles Scudamore
Col. George Onslow	Thomas Sergison
John Page	Robert Shafto
Sir Thomas Palmer	John Shelley
Thomas Pelham	Sir Edward Simpton
Richard Pennant	Edward Southwel
Henry Penton	Thomas Staunton
Rt. Hon. WILL. PITT	Richard Stevens
John Pitt	Humphrey Sturt
John Plumptree	Lawrence Sullivan

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John

ment ; except in certain cases, and under such limitations, as should be mentioned and described in the said act. He was

John Tempest	Lord Winterton
John Thomlinson	William Woodly
Right Hon. Charles	Sir George Yonge
Townshend	Hon. Charles Yorke
Charles Townshend	Hon. John Yorke
Hon. Tho. Townshend	A B S E N T.
Thomas Townshend	John Offley
Sir William Trelawny	George Brudenel
Sir Christopher Treise	Richard Cavendish
William Trevannion	Peter Dennis
Clement Tudway	Miles Barnes
Foster Tuftnel	Cecil Forrester
John Tuckfield	Jos. Gulston
Hon. Fred. Vane	Sir Gilbert Heathcot
Arthur Vansittart	John Hewit
Lord Villiers	Samuel Egerton
Sir Francis Vincent	Right Hon. Hen. Legge
Edmund Waller	John Luther
Hon. Thomas Walpole	James Long
Hon. Hor. Walpole	John Parker
Hon. Sir Edw. Walpole	Lord Harry Powlett
Hon. Boyle Walsingham	Thomas Prowse
Sir George Warren	Matthew Ridley
Thomas Watson	Sir John Rushout
James West	Hon. Sir Will. Stanhope
Thomas Whichcot	Thomas Tracy
John Whyte	Hon. George V. Vernon
Major Gen. Whitmore	George Wright
James Whitshed	Hon. Augustus Keppel
Andrew Wilkinson	Hon. George Monson
William Willy	Hon. William Craven
William Wilson	&c. &c. &c. &c.

supported

supported by several in the Administration. But the Minority opposed it ; because they thought, a bill prepared and brought in by men in office, who had been attempting to justify their own proceedings, would undoubtedly be a prerogative bill. If a bill be at all necessary, said they, it should be framed by those who are contending for liberty, and not those who are endeavouring to evade the dispute. The motion was therefore rejected.

The Majority by which the question of adjournment was carried, was so small, that the Administration may rather be said to have had an escape, than to have obtained a victory. And some of the leaders of the Minority imagined they began to totter. These patriots now thought they had done enough to get themselves into offices ; and they were afraid of attempting any thing further, lest they should thereby ruin the probability of their supposed success : Which was one reason for their not making a second effort, upon a motion they had formed against the seizure

of Papers, which was generally expected. That was a point of real importance to the Liberty of the subject; and a condemnation of a practice so horrid and illegal as the seizure of Papers undoubtedly was, would have given the most sensible pleasure to every Englishman. But the real truth is, these patriots by halves only, when they were in office, were as strong prerogative men as those whom they now opposed; and hoping shortly to be in office again, they did not chuse to condemn a practice which many of them held to be both justifiable and necessary. So that this Minority were not such warm and sincere friends to Liberty as they pretended: Though they were at infinite pains, and some expence, to make the public believe their professions, from their attempt to condemn General Warrants. But not a step would they take towards either remedying or condemning the greater grievance, relative to papers; not an inch further would they go although they were sure of carrying the question. If it be legal to seize pa-
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pers (and such silence almost implies it) it is a matter of indifference to the unfortunate person whose house is plundered for them, whether the search and seizure are made under the authority of a general or a particular warrant : if a general warrant will not do, a particular one may soon be had : a Secretary of State can never be many minutes in finding a Justice of Peace to issue a warrant for him. The question is, Is such a practice legal ? The Minority would not say, *No*. Many of them are supposed to approve of it, in certain cases ; as in high treason, &c. but they would neither tell the public what those cases were, nor under what restrictions the practice ought to be put. They hung out a specious, but deceitful, appearance of Liberty, a kind of *a will with a wisp*, and intreated the public to follow it.---The evasion of the Habeas Corpus, and the close imprisonment, were wholly indefensible, and would have afforded them most excellent questions. Those transactions were clearly against law, and therefore ought to have been censured. Perhaps, with

respect to the warrant, the right and best way of proceeding would have been to have moved a complaint against the Secretary himself; at least it would have been the most constitutional, and most becoming the dignity of Parliament. But the Minority did not aim at doing justice to the laws of their country. The bent of their desires was to get into office.

The object of both parties, not half a dozen excepted, in supporting and opposing the determination of this question, relative to General Warrants, were, singly and exclusively, the emoluments of office: one to remain in possession of what they enjoyed, and the other to seize those benefits for themselves.——In no age, except that which produced the destruction of the Roman Liberty, were venality and corruption so prevalent as at this time in Britain. Those very few, who are really honest, and are in a situation of viewing the scandalous transactions of the majority of the Great, cannot help looking with horror and detestation upon two bodies of men regulating their whole conduct

duct by the single rule of interest ; plundering, or wishing to plunder, an oppressed, distracted and exhausted country ; and covering, or attempting to cover, their base designs, with the most solemn protestations of love for the public, and claiming the title of Patriots ; a title which was formerly more honourable than any which a court could bestow, but which their repeated perfidy has now brought to contempt and reproach.

CHAP.

C H A P. XIX.

Ineffectual attempt to relieve the Cyder Counties. The Minority broken. Dismissions of the Generals Conway and Acourt. Mr. Webb tried for perjury, and Kearsly and Williams for publishing the North Briton.

THE second great point of opposition was the excise upon cyder. Upon the motion to renew the tax, an attempt was made to introduce “ alterations and amendments ;” but upon the question being put, it was carried in the negative, by 167 against 125. Then it was argued, and insisted upon, that an appeal to juries was necessary; and would remove an essential part of the subjects complaints. Accordingly, on the 8th of March, 1764, a motion was made “ for regulating the mode of collection by Excise, so as to secure to the subject their undoubted right of trials by juries; and to restrain, by penalties, any abuses of the
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Officers of Excise contrary to law." But it was carried in the negative by 166 against 120. At the time of putting this question a very considerable part of the Minority were absent. The fact is, that several of them were for this Excise; and another considerable part of them did not chuse to attend upon this occasion, because the Cyder Members had not assisted them upon the points they had so warmly contested. To this want of union in those whose indispensable interest it was to have firmly united, the Minister owed his majority upon both the General Warrants and the Excise upon Cyder. Two or three of the principals, finding themselves duped in their expectations of getting into offices, were so soured and chagrined by that disappointment, that they began to give over all thoughts of opposition, and to trouble themselves no further about it. Mr. PITT totally absented himself; and Mr. CHARLES TOWNSHEND, immediately upon the adjournment of the question upon General Warrants, went to Cambridge

bridge to oppose Lord SANDWICH in his design of becoming Vice Chancellor of that University. By the absence of these two principal persons at that critical time, the spirit of opposition instantly cooled, and the Minister as suddenly recovered his strength. The probability of success being now further removed than ever, they began to break with one another; and every man became jealous of his friend being either reconciled to the Minister, or some way or other making his peace at St. James's, before himself. In a few weeks, desertion and dissatisfaction prevailed throughout the whole party: inso-much that when the public business came on, that is, the plan of supplies, which every opposition has always thought itself bound to oppose, they were almost totally silent; which gave to the Minister such a manifest appearance of superiority, that it had a wonderful effect upon what are called the *Flying Squadron*, a considerable part of whom had joined the Minority upon the late probability of success from that quarter: they were now so thoroughly

roughly convinced of their error that they returned to the court with vows of the most faithful attachment. The session, therefore, ended without any further efforts of the Minority.

Business being finished, and the Administration now in the meridian of their power, and, in their own idea, firm and immoveable, they resolved to chastise some of their military enemies, who had dared to oppose them upon those questions which so eminently threatened their dissolution. The first of these, whom they thought proper to mark for punishment, was General CONWAY. He had a regiment, and was moreover a Groom of the Bedchamber to the King; the former was taken from him, and from the latter he was dismiss'd. This conduct instantly created an alarm. It was considered by the Public as an attempt to destroy the freedom and independency of Parliament; and by the Officers of the army as a peculiar hardship, and a disgrace to their profession, no reason being assigned for the General's disgrace. It must slacken the
zeal

zeal of Officers (said one of General CONWAY's friends) when they see that, after a life spent in the service, they are liable to be turned adrift, to satisfy the vengeance of Ministers, and for causes no way connected with the profession. It affects the honour of Officers, as it inclines men without doors to suspect that they act under fear of losing their employments. It indisposes their countrymen to chuse them into Parliament, as an Officer can no longer be supposed a free Agent. The Public is hurt, if the rights of Parliament are violated, and if punishment, which is only due to crimes, is inflicted on incorruptible honesty and conscientious virtue. It is hurt, if Ministers revenge their own animosities on the servants of the King and the Nation, and if they in effect declare, that to defend the liberties of the people, subjects the guardians of those liberties to proscription.

These dismissions (continued the same advocate) have sometimes been exercised against men who have been regular and forward in opposition, as in the cases of the Duke

Duke of BOLTON, the Lords WEST-MORELAND and COBHAM. But General CONWAY's conduct was very different from that of those noble Lords; they were fixed and determined opponents to the then Minister; he was enlisted in no Opposition, and upon the report being propagated that he was, he declared to a Minister, before witnesses, " that he was not, nor intended to be engaged in opposition." He gave but *one* vote against the Minister; for he voted with the Majority upon every question against Mr. WILKES, and was several times up to speak, though never pointed to. He likewise voted with the Ministry upon the Excise, and every other question throughout the whole session, except the single affair of the Warrants. This dismissal was therefore singular, and could not fail exciting very strong remarks. But whether the clamour raised by it, and the apparent disgust with which it was received by the army, or whether the Administration thought this example sufficient to fix their wavering friends, or what other causes prevented a number of other dis-

dismissions of the like kind, certain it is, they were not made, although they had been threatened.

This instance of dismissing General CONWAY was not the first which the Administration had shewn to the Public, and the army, of their resolution to punish disobedience. General ACOURT had been dismissed some time before: he had voted against the peace, and, as the ministerial writers said, had refused to obey an order from the Secretary at War, to dismiss a private soldier. It was affirmed in the public papers (and that affirmation was not contradicted) that the letter at the conclusion of the forty-fifth number of the North-Briton, contained the order alluded to. The letter was as follows:

L. S. By the Right Hon. WELBORE ELLIS, his Majesty's Secretary at War.

Having received his Majesty's commands, do hereby discharge *Anthony Nichols*, a private man, from the Coldstream regiment of foot-guards, commanded by General James Lord TYRAWLEY, from
any

any further service in the same regiment.
Given under my hand and seal, at the
War-office, this 26th day of March, 1763.

W. E L L I S.

*To all his Majesty's Officers, civil
and military, whom it may concern.*

By the Articles of War, Sect. 3, Art. 2, " After a non-commissioned Officer, or Soldier, shall have been duly enlisted and sworn, he shall not be discharged our service without a discharge in writing ; and no discharge granted to him shall be allowed of as sufficient, which is not signed by a Field Officer of the regiment into which he was enlisted ; or Commanding Officer where no Field Officer of the regiment is in Great Britain."

Quere. Is the Secretary at War a Field Officer ? or what Officer is he ?

No cause being assigned for either of these dismissions. they did most certainly deserve, and for the honour of the constitution, as well as of the army, strongly *require* a parliamentary examination. And with respect to the case of General ACOURT, one gentleman of the Minority proposed making a motion of that kind, but when
he

he came to mention it to his colleagues, he found them so backward, and so fearful of becoming offensive to St. James's, that he saw he should not be supported, therefore it was laid aside*.

* Mr. Webb, who had sworn in the trial between Mr. Wilkes and Mr. Wood, that while in Mr. Wilkes's house *he had no key in his hand*, (or something to that effect) was indicted for Perjury by the Grand Jury of Middlesex, and tried before Lord Mansfield, at Westminster Hall, when the jury, after staying out a considerable time, at length acquitted him. Two of the witnesses, on this occasion, were, Kearsly, the original publisher of the North Briton, and Williams, who had re-published the same in volumes. Prosecutions were carried on against them for these offences, and they were both found guilty. The former fled to France for some time, but at length surrendered, and was committed to the King's Bench; from whence he was released after two months confinement, in consideration of what he had already suffered, and the actions which he had brought against the Messengers, and others, for seizing and detaining his papers and account books were entirely withdrawn. But the latter was fined one hundred pounds, imprisoned eight months, and set in the pillory: This last part of the sentence, was so far from proving a disgrace, that it was converted into a public triumph; for people gathered round the pillory in such astonishing numbers, and by words and emblems and rewarding the Culprit with a sum of money collected from the people present, shewed such a strong detestation of some of the principal persons supposed to manage the arcana of State, that the pillory will scarcely again become an engine for the intended punishment of public Libels.

C H A P. XX.

Of the Club in Albemarle-street, with a list of the Members. Death of the Duke of Devonshire and Mr. Legge.

THE case of Mr. WILKES furnishing the Minority with several strong and important constitutional questions, some gentlemen of weight and character early in the preceding winter proposed to the party a scheme of *association*, the purpose of which was to keep their friends together, and to give them the pleasure of meeting and conversing with each other. The idea was approved by a great part, though not all the Minority; and a tavern in Albemarle-street, kept by Mr. Wildman, was fixed upon for the place of meeting. A subscription was opened to pay the necessary expences, and all subscribers were members of the Club, which was formed under certain regulations. No political business of any kind was meant to be transacted at any of the meetings. The institution was singly to preserve *union*.

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The following is a list of the Members
in the Year 1764.

Dukes of Devonshire		Baronets.
	Newcastle	Sir George Savile
	Bolton	Sir William Meredith
	Grafton	Sir H. Mainwaring
	Portland	Sir Ant. Abdy
Marquis of Rockingham		Sir George Yonge
Earls	Temple	Sir Marmaduke Wyvill
	Cornwallis	Sir George Colebroke
	Albemarle	Sir George Armitage
	Ashburnham	Sir Alex. Gilmour
	Scarborough	Sir Edw. Deering
	Besborough	Sir John Gibbons
	Corke	Sir Kenrick Clayton
	Clanbrassil	Sir Francis Vincent
	Charlemont	Sir E. Walpole
Viscounts	Torrington	Sir C. Saunders
	Middleton	Sir G. Warren
	Allen	Sir W. Beauchamp
	Powercourt	Proctor
Lords	Dacre	Sir William Baker
	Edgcumbe	Sir George Metham
	Abergavenny	Rt. Hon. H. B. Legge
	Fortescue	Rt. Hon. J. Grenville
	Gage	W. Ashburnham
	Walpole	H. Crabb Bolton
	Grantham	Geo. Bridgeman
	Ravensthorpe	Peter Burrell
	Monson	J. Bentinck
	Sondes	Barth. Burton
	G. Cavendish	George Byng
	F. Cavendish	Hodgkinson Banks
	J. Cavendish	George Brudenell
	Villiers	John Buller
	E. Bentinck	John Bullock
	Harry Paulet	John Butler
	Grey	Charles

Charles Boothby	Col. Onslow
Richard Cavendish	John Offley
John Calvert	Robert Pratt
Nicholson Calvert	Thomas Pelham
William Clayton	William Plumer
Robert Clayton	Richard Pennant
Nat Cholmley	Henry Penton
Tho. Cholmondeley	Edw. Popham
Humph. Cotes	Harcourt Powell
Ralph Congreve	John Plumptree
Henry Curwen	Hon. Tho. Robinson
Wenman Coke	John Ratcliffe
John Dodd	John Roberts
Tho. Lee Dummer	Charles Stewart
Giles Earle	Fitzroy Scudamore
Hon. Col. Fitzroy	John Scudamore
Will. Fitzherbert	John Shelley
Savile Finch	John Sawbridge
Brice Fisher	James Scawen
Richard Fuller	Humph. Sturt
Rose Fuller	John Sere
George Garnier	Hon. T. Townshend
Capel Hanbury	T. Townshend, jun.
James Hewitt	Cha. Townshend, of
John Hewett	Honningham
Richard Hopkins	Cha. Townshend, of
David Hartley	Bond-street
George Hunt	Thomas Tracey
Frazer Honeywood	Geo. Foster Tuffnell
William Ingram	John Tomlinson
George Jennings	Hon. Tho. Walpole
James Jefferys	Hon. Boyle Walsingham
Hugo Meynell	William Woodley
Joseph Mawbey	Thomas Whetham
James Murray	J. Warde
Daniel Mathew	Rowland Wynn
Richard Mills	John Walsh
John Norris	John Willis
George Onslow	Serjeant Whitaker
	U 2 William

William Wilson
 William Woolaston
 James West

John Whyte, *Esquires.*

In all 149.

But when the party were broken and disheartened, this Club dwindled to almost nothing : the meetings were seldom, and the companies small. So that in a little time the house barely furnished the shadow of a party.

During the summer the Minority suffered a considerable loss in the death of the Duke of DEVONSHIRE. His Grace had never been either vigorous or forward in opposition ; but his character was amiable, and his name was therefore serviceable ; he had great interest, and he kept several from deserting. In the spring Mr. LEGGE died : but his moderation, and more particularly his long illness, which had confined him for some time, prevented his loss being so severely felt by the party.

C H A P.

C H A P. XXI.

Mr. Yorke accepts a patent of precedence. Lord Bute returns; and becomes uneasy to the Ministry, whom he wants to change. The parliament meets, and the question concerning General Warrants is again agitated. Lord Temple's declaration to the Duke of Newcastle. The Minority totally ruined.

THE administration having weathered all storms, having recovered their lost strength, and compleatly triumphed over their enemies, considered themselves as secure for life. And so firmly persuaded were some of the Minority of the probability of this truth, that, now thinking *the best of the lay* was on the side of the Ministry, several of them went over to the Court. The most distinguished of these was the Hon. Mr. YORKE, the late Attorney-General: who had resigned that employment when a different opinion prevailed. He now re-

turned to St. James's, and accepted of a patent of precedence. He had acted so very even a part, that it is difficult to say, whether any party were served or injured, by the acquisition or loss.

But the administration were ruined by their own victories: for so high a sense did they entertain of their strength, union, and firmness, that they apprehended nothing could displace them. When this idea had prevailed a short time amongst them, the Earl of BUTE returned from Bedfordshire; the proscription carried on against him was remitted, and he resumed his influence in the Court. To this re-admission of the Favourite, the Administration owe their ruin. During his absence they gathered strength, and had acquired all the appearance of permanency. Soon after his return, they were weakened; and as it were in revenge of the ill treatment he had received, the state was obviously threatened with another revolution. But the difficulty of obtaining a set of ministers to his purpose, prevented for the present

present another negotiation being opened. There was but one set of men whom he preferred to the subsisting administration, and these he had tried without success. Necessity therefore obliged him to suffer them to remain, because he could get no other. But to convince them, and to convince their opponents, that he was still as powerful as ever, he distributed several good things, as they fell, among his own particular friends. To one he gave an Irish bishoprick; and the secretary of the order of the Thistle, to his confident Sir HARRY ERSKINE. Both these were contrary to the recommendations of the Minister; and he strongly remonstrated against them; particularly the latter. Several other incidents of the same kind happened. From all which it was obvious, that the channel of promotion was not in the hands of those who held the employments of the state; but of a secret and irresponsible Favourite. To this god in a corner all the sons of mammon paid adoration. The Court was

divided into two factions; the Ministerial, and the Favourite's. The leaders of both were jealous of each other; and the Duke of BEDFORD and Lord BUTE were in a state of enmity concerning their private affairs. But these misunderstandings were not yet ripe enough to cause an open rupture between them. It is probable, each of them entertained hopes of drawing an additional strength from the Minority sufficient to baffle the designs of the other; for they both knew, that the Minority were ready to join the first that would make offers to receive them; and in the accomplishment of some scheme of that kind, they placed their hopes of stability. But neither at present were prepared with an explicit declaration. The administration were content to remain, if the Favourite would not interfere, and counteract their measures. And on the other hand, the Favourite had not formed his plan of operations against them.

During this uncertainty among parties, the parliament met. The Minority

rity had pledged themselves to the public during the summer, that they would renew the motion against General Warrants. Accordingly a day was appointed, but Mr. PITT being confined to his bed by a severe fit of the gout, another short day was fixed, and he being still unable to attend, the self-erected manager of this motion, determined to bring it on without him; although he very well knew Mr. PITT was eagerly desirous of supporting it. But having acquired some little notice from the public by leading the question last year, although the ability, spirit, and interest of other persons gave it strength and consequence, he became so enamoured with his own importance, that he flattered himself with the idea of being able to lead the House of Commons. He therefore forced on the question against the inclinations of several of the party, who were desirous of waiting for Mr. PITT.

The motion made by Sir WILLIAM MEREDITH was, " That a General Warrant for apprehending the authors,
printers,

printers, or publishers of a libel, together with their papers, is not warranted by law, and is an high violation of the liberty of the subject." It was supported with the same arguments as before, with some retort upon the administration, that the question was not now *sub judice* in the action brought by Mr. WILKES against Lord HALIFAX; for Mr. WILKES being outlawed, that action could not be tried. The Ministry, however, still insisted that the question was *sub judice*; particularly in the cases between the printers and the messengers, where bills of exceptions had been brought, and which were not yet argued. There was great fallacy in this argument; as those bills of exceptions did not touch the legality of the warrant. But it was a shift to evade the question. It is true, the court of King's Bench did, several months afterwards, when some of those bills of exceptions came to be argued, solemnly condemn the warrant; but that question was not strictly before them, and they need not have

have done it, had they not been so inclined. The Ministry likewise insisted, that the delay in obtaining this determination in the courts below, was entirely owing to the solicitor for the prosecutors; and they dwelt particularly, upon the impropriety, as they called it, of one House of Parliament only, coming to a resolution upon a point of law; that such resolution was no security to liberty, that it was ineffectual as to the purpose intended, and that it would be nugatory in a pleading in Westminster-Hall, the Judges there being bound to follow the law as made by the three estates, and not the sentiments of the House of Commons alone. In the course of the debate, the question was altered and narrowed, in the following manner. "That in the particular case of libels, it is proper and necessary to fix, by a vote of this House only, what ought to be deemed the law, in respect of General Warrants; and, for that purpose, at the time when the determination of the legality of such warrants, in the instance
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of a most seditious and treasonable libel, is actually depending before the courts of law, for this House to declare that a General Warrant for apprehending the authors, printers, or publishers, of a libel, together with their papers, is not warranted by law, and is an high violation of the liberty of the subject." Which was received by the House; and after debating it till five o'clock in the morning, the question was carried in the negative, by a considerable majority. The very persons who proposed and enforced the amendment, voted against it. Here ended this great question concerning General Warrants, for this year; about which the Minority had made such extraordinary parade, and given such solemn assurances to the public, that many well meaning persons in different parts of the kingdom, thought them in good earnest in this struggle for liberty; but had they been so, they would not a second time have neglected making a motion, they had last year formed, against the seizure of papers. A point so highly

ly interesting to the subject, a true patriot would not have suffered to remain unnoticed. But the fact is, the Minority had neither true patriotism, true virtue, nor common honesty; for they now shewed themselves to be hypocrites to the cause, impostors upon the public, and traitors to each other. No party was ever so truly contemptible in such a very short time. It soon became obvious to all mankind, that the sole purpose of this sham pursuit of liberty, was the possession of lucrative offices. Mr. PITT seeing of what stuff they were made, kept aloof. He did not attend during the whole session. Lord TEMPLE declared to the Duke of NEWCASTLE, and others of the party, that if the only end proposed by opposition, was, singly and exclusively, the possession of the Great Offices, for the sake of the salaries of them; if nothing was intended for the public; and if they would neither propose nor support any motion or measure, for the true security of liberty, and the real advantage of the people, he

he would not lend himself as a cover to any such principles. Opposition was now entirely at an end. The venal part of the Minority found themselves detected. Those colours under which they flattered themselves their designs would have been concealed, were now withdrawn; and they appeared like a fugitive corps, without cloathing, arms, or officers. For some time they wandered in this desolate and disconsolate plight; and at length finding that no party would accept of them, they became quite broken hearted, and in a short time were almost totally dispersed.

Such was the fate of the late Minority. A party which had been originally formed for the best and most laudable purposes, namely, to resist the power and measures of a mischievous Favourite; and when he had been defeated, to defend the constitution and the liberties of the subject, by opposing and censuring all arbitrary violations of Ministers. These were the objects of opposition. The *first* was in part accomplished

plished by the North Briton. But out of that victory, arose the *second*; which was scandalously deserted by the body of the party; who acting wholly upon the temporizing principle of making their peace at St. James's as soon as possible, in order to lose no opportunity of getting into office, were never in earnest in the cause of liberty, and were continually checking every measure, and betraying every man, who obstructed their selfish and interested views.—No party had ever such admirable ground to go upon; and had the men been but half as good as the cause, no administration, however supported, could have withstood them. The influence of the Favourite, together with the whole fabrick of his system, must have been destroyed for ever.

C H A P. XXII.

Lord Bute reconciled to the Duke of Cumberland. His Lordship's view in that reconciliation. History of the Regency Bill: and an intended speech against it. Conference between the Duke of Cumberland and Lord Temple. The Minority, and particularly Lord Rockingham, desire to accept. The Duke goes to Mr. Pitt at Hayes. The Treasury offered to Lord Lyttelton. Second application to Lord Temple. Before an answer can be given the Duke advises the King to recall his Ministers. Lord Temple and Mr. Grenville reconciled. The administration turn out Lord Bute's particular friends. The Parliament prorogued.

ALTHOUGH the Favourite permitted his party to assist and support the administration upon the question concerning General Warrants, yet that was no proof of his approbation of the Ministers, or that he wished to continue them in office. On the contrary, his
aim

aim on that day was to keep the Minority from triumphing. While every party were oppressed, and while he preserved to himself the power of making any successful, he expected all would consider themselves as dependent upon him; and this was the situation he most desired; because it flattered his vanity, and, as he thought, secured him from danger. But the administration having refused to become perfectly obsequious to him, and the breach between them being wider every day, the resolution was taken to dismiss them. And, as it had ever been his purpose, to bring in Lord TEMPLE and Mr. PITT, under certain conditions, to which having found they would not subscribe when offered by himself, he determined to try the force of *other* hands, to soften and prevail upon these impracticable men. None appeared so suitable to his purpose as the Duke of C. That Prince was supposed to have been a friend to the Minority; therefore, besides the natural dignity of his character, it might, and probably

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was

was conjectured, that whatever came from him would carry with it its own weight and conviction. With the intention, and the expectation, of reconciling to office through this interest, the two able and respectable persons just mentioned, the Favourite addressed himself to his R. H. He appeared publicly, together with his brother, at several of the Duke's levees. This conduct at first appeared extremely mysterious; and the more so, as there were strong reasons for believing they had not approved of each other's behaviour for some time past. What could be the motive or design of this sudden and singular friendship very few could perceive. About this period his Majesty happened to be somewhat indisposed: upon his recovery, the idea of a Regency was suggested; and on the 24th of April 1765, his Majesty went to the House of Lords, and recommended to the consideration of Parliament the bringing in a bill, settling a Regent and Council of Regency, in case of his death, and the successor to the throne

throne should be under the age of eighteen. And the speech which communicated this business, particularly proposed, whether it would not be expedient to vest in his Majesty, the power of appointing the Queen, *or any other person of the Royal Family*, usually residing in Great Britain, to be Regent of these kingdoms, and guardian of the successor, until he should be eighteen? The bill was brought in, giving such power; but a doubt arising concerning the extent of the explanation of the words, *or any other of the Royal Family*, it was affirmed, that the present Royal Family were only descended from the late King. The r— construction of those words was asked; and it was understood from authority, and the best *public* authority of the time, that that construction and the previous affirmation were the same. The bill passed the upper House, declaring the Royal Family to be only the descendants of the late King: which excluded the Pr. D. who was of another Family. The administration, to whom

the bill was never supposed to be agreeable, are spoken of as considering this a kind of victory over the Favourite, whose particular views were thought to be destroyed by this exclusion, which was accomplished without a manifest opposition to the bill. But when it came into the Commons, a motion was made and supported by the friends of the Favourite, to insert her Royal Highness's name; to which the House agreed. . And with this amendment it went back to the Lords, where it met with no second opposition. But the following speech was said to have been intended to be spoken upon this occasion.

A Speech intended to have been spoken when the Commons returned the Regency Bill, with an amendment respecting the Princess Dowager.

MY LORDS,

I Hope your Lordships will find no difficulty in disagreeing with the H. of Commons in regard to this extraordinary
 ordinary

ordinary Amendment. I call it extraordinary, my Lords, because the resolution, which your Lordships came to upon this clause in the bill, was founded upon an implied, and (as your Lordships considered it) an authentick request from the Crown, delivered to this House by one of the first Ministers of his Majesty; to which your Lordships did accordingly give an immediate and serious attention, and a most unanimous approbation.

I take it for granted, that the persons who moved for this alteration in the other House, were men of undoubted loyalty, and therefore I will not inquire into the date or complexion of their loyalty. But I cannot comprehend, my Lords, what unintelligible and unostensible influence could turn the hearts of that great Assembly as the heart of one man, and call upon them to reject an article of the bill, so properly founded upon a declaration of his Majesty's inclinations, and so unanimously assented to by your Lordships. Was it because

they were better acquainted and more impressed with the virtues of the Royal Person, who is the object of this amendment? Your Lordships, I suppose, will not give way to the H. of Commons, in doing all justice to the character of this great Princess; most certainly, my Lords, the King himself will not be behind hand with the body of his subjects, in shewing every *proper* mark of affection to his royal mother.—And yet, my Lords, both the King and your Lordships saw very wise reasons for what you did; your Lordships treated the matter, *so circumstanced*, with a steadiness, which became you; with the utmost delicacy, and without any improper explanations upon so nice a subject.

I think there was no undutiful intimation contained in this method of proceeding. But it seems the House of Commons were determined to uncover this veil.—If they did it to show their superior regard to his Majesty, they are contradicted by the only publick evidence of his royal inclinations.—If they
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did it to shew their contempt of such of his Majesty's Ministers, as sit in this house, they acted (at least, as I think) not a very wise part, because not a reconciling part; but yet such a one, as the freedom of that great and respectable Assembly, has ever entitled, and I hope in God will ever intitle them to. But in the midst of this strange and unaccountable fluctuation of things, what will the wise and the honest part of the world without doors think of this unfortunate country? What can they think, my Lords, but that we have really and truly no Ministers at all? And that every thing is done and undone (even in the highest and most important concerns of this kingdom) by the hint or the whisper of some great idol in a corner?—If such a one there be, my Lords, I hope he will be found out in due time, and be treated, I will not say as he deserves, but consigned to some inoffensive situation, where he may be at liberty to contemplate the folly and vanity of his ambition, as it may

affect his own person, and the danger and wickedness of it, as it may affect the true and lasting interest of his royal and gracious master.

In the mean time, my Lords, I think we cannot better shew our duty to the King, and our regard to the dignity of this House, than by disagreeing with the Commons in this amendment.

Though the Favourite with much difficulty carried his point, yet the treatment he received from the administration in this business, was by no means to be forgiven. Accordingly the next traces we find of him, are in a design to change the administration, by an attempt to introduce Lord TEMPLE and Mr. PITT. The reader has already observed his reconciliation with the Duke of CUMBERLAND, and we shall now see the consequences. On Wednesday the 15th of May, his Royal Highness sent for Lord TEMPLE, who was then at his country seat at Stowe, and told his Lordship, his Majesty

jesty had a mind to change his Ministers, and to take in his Lordship and Mr. PITT, with some of their friends; and desired their conditions. His Lordship answered, The making certain foreign alliances, the restoration of officers, the repeal of the excise upon cyder, and the condemnation of general warrants, the seizure of papers, &c. These were agreed to. But on the other hand it was insisted, that Lord NORTHUMBERLAND should be at the head of the Treasury. Upon which Lord TEMPLE is said to have declared, "He would never come in under Lord BUTE's Lieutenant."* Indeed it is singular, that a compliance with this condition should be expected, considering the positive manner in which it had been refused before. But it was now manifest, beyond a doubt, who was the secret spring of this negotiation. Yet so desirous were the Minority of places, that though they had broke with their leader, though

they

* Lord NORTHUMBERLAND had lately been Lieutenant of Ireland.

they had almost totally deserted him, particularly in the question upon the Regency bill, they now crowded about him, and pressed him in the most earnest and abject manner to accept. They feared the loss of such an opportunity of getting into office. Among these was the Marquis of ROCKINGHAM, who applied all his arguments and powers of persuasion to prevail upon his Lordship to accept, even with Lord NORTHUMBERLAND at the head of the Treasury. But all in vain. Lord TEMPLE was faithful to his original principle of resisting the Favourite. On the Sunday morning the Duke sent a message to his Lordship desiring to meet him at Mr. PITT's at Hayes, at twelve o'clock that day. This resolution of going to Hayes, was taken without the participation of his Lordship, although Mr. PITT and his Lordship were to be joined together in office. But it was the principle of this whole negotiation to take them always suddenly, and sometimes separately; in order, if possible,

ble, to precipitate them into an acceptance, before they had time to discover the footsteps of the secret agent. But the disguise was of such a flimsy texture, and so awkwardly put on, that the intended imposition was not only obvious, but the attempt to conceal it, ridiculous and contemptible. The Duke proposed to Mr. PITT, the same condition concerning Lord NORTHUMBERLAND, that had been refused by Lord TEMPLE. But Mr. PITT likewise rejected it, and for the same reason that had influenced the noble Lord. This unexpected firmness against offers personally made by a Prince of the blood royal, a Prince of great character, and high in the esteem of the people, might have ruined the reputations of any other men but Lord TEMPLE and Mr. PITT, as few perhaps would believe, any terms which such a Prince could propose, were improper for a subject to accept. And it is not quite impossible, that such an embassy was only made to lay the foundation

dation of such an odium ; for who could have a moment's doubt that knew the men, they would never submit, under *any* hands, to be the instruments of the Favourite. But whatever was the motive of this errand, it was in no respect answered. The established characters of the persons preserved them from censure ; and though the terms refused were not known, yet it was taken for granted, that they were such as those great men could not accept with honour to themselves, and fidelity to the people. Next day the Treasury was offered to Lord LYTTELTON : but that noble Lord thought proper to excuse himself. The account of this second offer conveyed to the noble Lord before applied to, the first information of the point concerning Lord NORTHUMBERLAND, being relinquished. The Duke then apprehending, that Lord TEMPLE had not fully understood his powers, his Royal Highness renewed his applications to that noble Lord. This was on the Tuesday. But before his Lordship, and
 Lord

Lord LYTTLTON (who were now in the most cordial and firm union) were got into the chaise in order to go and consult Mr. PITT, the Duke of CUMBERLAND went to the Queen's palace, and advised his Majesty to recall his old Ministers. Upon what cause, or with what view, this was done, is not very easy to discover. Certain it is, that that was the fact; and that it put an end to the negotiation for the present.

In the mean time, Lord TEMPLE and his brother, the Rt. Hon. GEORGE GRENVILLE, through the mediation of several noble persons, became reconciled. This event was at first greatly approved of by the Minority; many of whom repeatedly declared, "they did not doubt but it would have very good consequences." The principle of this reconciliation was no more than private friendship, as brothers; and in politics, only as to measures in *future*. It had nothing to do with the *past*. His Lordship remained the same firm friend to the public cause, that he always had been.

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The subsisting Administration were now determined to act as firmly against the Favourite, as those who had been solicited to accept their places. They had laboured a considerable time under the suspicion of being his implicit instruments; they therefore resolved to clear themselves of that suspicion at once, by giving a signal mark of their authority, in direct hostility to him. When recalled, they insisted upon these conditions, viz. The dismissal of Lord NORTHUMBERLAND from the lieutenancy of Ireland; of Mr. STUART MACKENZIE, Lord BUTE's brother, from his post of Privy Seal of Scotland; and of Lord HOLLAND from the pay office. To Lord WEYMOUTH they gave the first, to Lord FRED. CAMPBELL the second, and to Mr. CHARLES TOWNSHEND the last. When these were settled, the Parliament, which had been kept sitting in expectation of issuing writs for re-elections upon the lately intended change of Ministers, was now prorogued.

C H A P.

C H A P. XXIII.

Second negotiation with Mr. Pitt and Lord Temple : it breaks off. Administration changed. Remarks. The Favourite's power still the same.

THE avowed and daring marks of hostility which the administration lately shewed towards the Favourite, by dismissing his particular associates and friends, were such high and heinous offences against his power, that they were considered as acts of rebellion ; for which absolute death must be the punishment. From that moment it was again resolved to change the administration : though, as usual, it was not known whether any body would accept of their places. For this reason therefore, and this only, they were afterwards dismissed. All former offences, which seem to have been pardoned, for the present at least, with the recall, were revived by this avowed and open act of rebellion ;
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which was not to be forgiven. A negotiation was set on foot with Mr. PITT. And he had a conference with his Majesty at the Queen's palace on the 20th of June, and another on the 22d. The consequence of which were, that Lord TEMPLE was again sent for from Stowe: and on the 25th they went to the Queen's Palace; when the following conditions appeared; viz. that Mr. STUART MACKENZIE should be restored to office; that Lord NORTHUMB-
 BERLAND should be made Lord Chamberlain; and that the Favourite's friends should remain. Upon which Lord TEM-
 PLE declared, he could not accept.* And here the negotiation entirely broke off. It has been said, that Mr. PITT was willing to go into office upon those terms; but if he was, it would not have been with an administration formed at
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* The motive of this refusal the reader will find amply explained in a little tract entitled, *The principles of the late changes examined*; which contains many things worthy his attention.

Windfor Lodge and Claremont; for he declared he had no opinion of such an one. And it is certain that if ever he was willing, he afterwards altered his mind upon maturer consideration.

The Duke of CUMBERLAND, who had not hitherto appeared in this last negotiation, now came forward; and applied to the Duke of NEWCASTLE, Lord ROCKINGHAM, and others. This was the last resource. There was no other set of men to be found who had not refused. And if these had been possessed of virtue sufficient to follow their example, and adhere to their friends, the Favourite must have departed, as he would then have found the objections of all were purely against *him*; and so thoroughly was he convinced of the necessity and prudence of such a measure in case none would accept, that he had then actually in contemplation a journey beyond the Alps; when this last set of men, after some doubts and hesitation, arising from a consciousness of their own inability, consented to his continuance at home, by accepting the great offices of state. In that critical moment which

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was the only opportunity that ever did, or perhaps ever will happen, for fairly getting rid of him, did they resolve to desert their friends, and to step in for his preservation; when a week or ten days firmness, must have accomplished what the whole kingdom so earnestly wished for, and what all parties had attempted in vain.

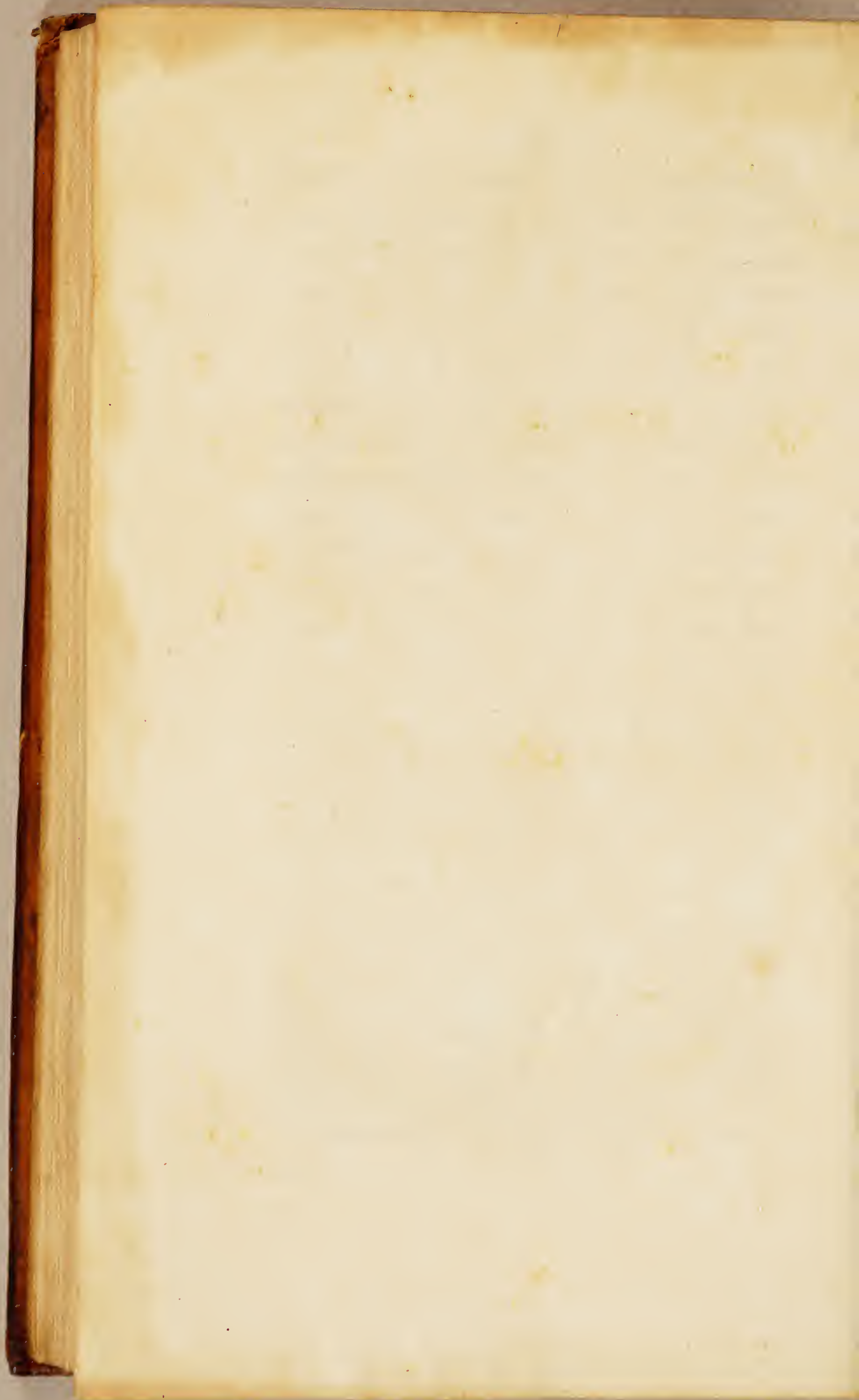
Lord ROCKINGHAM was made first Lord of the Treasury; the Duke of NEWCASTLE Lord Privy Seal, with leave to provide for his numerous relations and dependents; the Duke of GRAFTON and General CONWAY were made Secretaries of State, and Mr. YORK, after several weeks consideration, re-accepted his former post of Attorney General. A great number of other changes were made, which the reader will find in the chronicles and kalendars of the time.

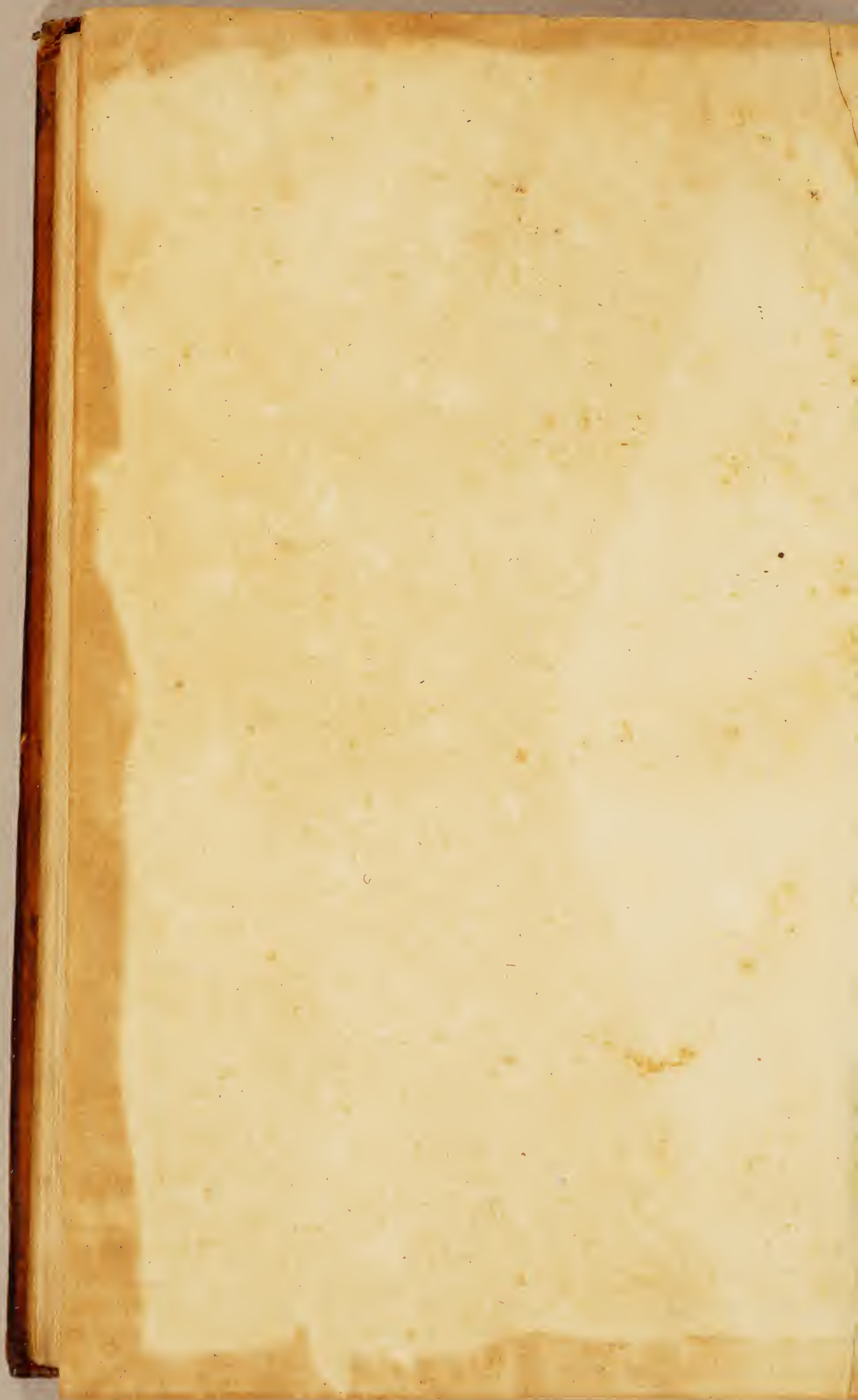
To a lust of power and a desire of places, have the interests of this kingdom been frequently sacrificed: but in no instance more remarkably than in this; because never was any moment so happily formed, for restoring, upon the solid basis of public union, an able and disinterested
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administration, so cruelly and wantonly destroyed by a set of men, who having no virtue themselves, were determined to destroy the effects of it in others. After so much firmness had been shewn by those who were first applied to, in repeatedly resisting the temptations of power and the emoluments of office, from a desire of laying and establishing the foundation of public happiness; and after the like resistance had been made by others, who had experienced the impossibilities of acting under a controul so capricious and odious; can it be supposed, or will it be credited, that those who could take advantage of such a crisis, and such a situation, to throw themselves into offices, for the sake of the salaries of them, without the power, will ever in any manner resist the hand that raised them, and can dismiss them?--- If it should be asked, how they came to be admitted without agreeing to those last conditions which Lord TEMPLE refused, the answer is obvious; they offered no stipulations either on behalf of the public or them-

selves ; and if they had, it would have been impossible to take the very terms which had been so refused ; that would have been too signal a proof of the Favourite's power ; but as they were known to be mere worldly men, and would never go against their interest, it was taken for granted they would act with *less* hostility towards the Favourite, than any other set of men whatever. And has not the fact proved the supposition to have been rightly founded ? Have they dared to dismiss his friends ? On the contrary, is he not still in the meridian of his power ? And does not his influence continue in as full and ample a manner as at any other period since his accession to power ? And has it not been exerted, with as many indignities to the present administration, as ever it was to the last ? And have they either courage or virtue to oppose him ? We daily see they have not. They are *appearances* only which, for certain reasons, have been changed ; *realities* continue, and are meant still to continue.

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